

# The Immigrant's Journal

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Protecting God's Children From Distant Lands

Vol. V. 72

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## Senate Fails to Bring DREAM Act to a Final Vote

BY POLICY CENTER

On Saturday, December 18, 2010 the Senate failed to achieve the 60 votes necessary to achieve cloture on the DREAM Act, a bill to grant hundreds of thousands of undocumented children a chance to gain legal status if they enroll in college or join the military. Fifty-five Senators voted in favor of the motion to proceed to the final vote on DREAM and 41 against.

The vote broke largely along party lines with Senate Republicans citing procedural arguments to excuse themselves from voting yes. However, some Democrats abandoned their party and voted against it too, while some Republicans broke ranks and voted for cloture.

*Talking Points Memo* tracked the votes and those who crossed party lines both ways: Republican Sens. Dick Lugar (IN), Lisa Murkowski (AK), Kit Bond (MO), and Bob Bennett (UT) voted yes on cloture.



Democratic Sens. Mark Pryor (AR), Jon Tester (MT), Ben Nelson (NE), Kay Hagan (NC), and Max Baucus (MT) all voted no.

However, student activists have vowed to continue to fight. The United States Student Association, the country's oldest and largest student-led organization, represents over 4.5 million students at over 400 campuses

across the nation sent out a press release after the vote noting:

Undeterred by the vote, young people will continue fighting for immigrant youth justice by gearing up for what will most likely be a difficult 112th Congress. ●

**Reactions on page 9**

## Obama on the DREAM Act: "My Administration Will Not Give Up"



Following a disappointing vote in the Senate, President Obama released the following statement on the DREAM act:

In an incredibly disappointing vote today, a minority of Senators prevented the Senate from doing what most Americans understand is best for the country. As I said last week, when the House passed the DREAM Act, it is not only the right thing to do for talented young people who seek to serve a country they know as their own, it is the right thing for the United States of America. Our nation is enriched by their talents and would benefit from the success of

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Remembering Our Immigrant Veterans ...see page 12

## Legalization Plans for the Undocumented... see page 8

## ICE's Enforcement Priorities

BY STACY JACOB, ESQ

An analysis of Riker's Island statistics shows that the combined impact of drug laws and immigration enforcement has resulted in a disproportionate effect on prisoners charged with misdemeanor drug offenses. According to a study by Justice Strategies, a prisoner advocacy group based in New York, inmates charged with misdemeanor drug charges were identified for deportation proceedings more often than inmates charged with felonies. Thus, while the United States



Department of Homeland Security (DHS) claims to target the most dangerous criminals, there is little connection between the offense level and identification for deportation. Prisoners identified for deportation are issued a detainer by the Bureau of Immigration and Customs Enforcement (ICE), which is the deportation bureau of DHS. Among the 1215 noncitizens whose top criminal charge was a drug offense, 552 (45%) received ICE detainers. However, the ICE detainer is not associated with the severity of the charge. Even though 34 percent of noncitizens charged with a felony received an ICE detainer, over half of those charged with a misdemeanor also

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**The Future of Driver's Licenses for Illegal Immigrants ...see page 14**

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## U.S. Citizenship and Immigration Services Announces Final Rule Adjusting Fees for Immigration Benefits

U.S. Citizenship and Immigration Services (USCIS) today announced a final rule adjusting fees for immigration applications and petitions. The final rule follows a period of public comment on a proposed version of the rule, which USCIS published in the Federal Register on June 11, 2010. After encouraging stakeholders to share their input, USCIS considered all 225 comments received. The final rule will increase overall fees by a weighted average of about 10 percent but will not increase the fee for the naturalization application. The rule will also reduce fees for six individual applications and petitions and will expand the availability of fee waivers to new categories. The final rule was published in the Federal Register September 24, and the adjusted fees will go into effect on November 23, 2010.

### Highlights of the 2010 Final Fee Rule

The final fee rule will increase the average application and petition fees by approximately 10 percent. In recognition of the unique importance of naturalization, the final fee rule contains no increase in the naturalization application fee.

The final fee rule establishes three new fees for:

- Regional center designation under the Immigrant Investor Pilot Pro-

gram (EB-5);

- Individuals seeking civil surgeon designation (with an exemption for certain physicians who examine service members, veterans, and their families at U.S. government facilities); and

- Recovery of the USCIS cost of processing immigrant visas granted by the Department of State.

The final fee rule adjusts fees for the premium processing service. This adjustment will ensure that USCIS can continue to modernize as an efficient and effective organization.

The final fee rule reduces fees for six individual applications and petitions:

- Petition for Alien Fiancé (Form I-129F);
- Application to Extend/Change Nonimmigrant Status (Form I-539);
- Application to Adjust Status from Temporary to Permanent Resident (Form I-698);
- Application for Family Unity Benefits (Form I-817);
- Application for Replacement Naturalization/Citizenship Document (Form N-565); and
- Application for Travel Document (Form I-131), when filed for Refugee Travel Document. ●

## Queens College Launches Unprecedented "Memory" Project

FLUSHING, NY: In 2009, the U.S. Census Bureau estimated that there were over two million people residing in Queens, the most ethnically diverse county in the nation. An unprecedented new project underway at Queens College aims to tell their stories— one conversation at a time.

The Queens Memory Project, a collaboration of the Queens College Libraries' Department of Special Collections and Archives and the Archives at Queens Library, will serve as a living hub of collective memory. Among its goals are to record borough history as it is happening and empower residents from all ethnicities and walks of life to document their life in the borough.

"History is on the street corners," says Professor Benjamin Alexander, director of Special Collections and Archives at Queens College. "Like Queens itself, this project is complex and dynamic. We're not doing traditional archiving of materials from the past. Instead, we want to engage the historical process of Queens in real time and create a website that captures the borough's democratic, pluralistic history. There has never been a project like this, which aims to capture ethnographic change on such a huge scale. It's very exciting."

The project began as an independent study project for Natalie Milbrodt. Milbrodt's work reflects Queens' ethnic spectrum. Subjects include 92-year-old Annalou Christensen (née McQuilling),



whose parents purchased the lot for their home in the early 1900s from parceled farmland. Christensen's family has a long history in America, including a McQuilling who fought in the Civil War. Christensen shared reminiscences of her parents receiving ice deliveries and seeing neighbors rent out rooms in their mansions for extra income during the Great Depression. Milbrodt also spoke with Nilda Tirado, who lives with her mother Carmen Miranda and her sister Rosa Tirado. The sisters, who bought their house in the 1970s and were among the first women in the area to be given mortgages, discussed their early efforts to be accepted as the first Puerto Rican family in the area. Devotees of the largely South Indian Ganesha Temple, a vibrant community whose temple is currently undergoing tremendous expansion, were another focus. Interviews and photographs document an annual ritual in which temple members pull a sacred statue of the Hindu deity Ganesha through the streets of Flushing on a chariot. ●

## Not One of the 80 Women Detained in Raid Were Charged with Prostitution or Lewd Conduct, Yet They All Face Deportation

Los Angeles: A review of Los Angeles Police Department (LAPD) records on the 907 Club raid held this past weekend reveals that women arrested during the criminal and labor violations raid were not charged with lewd conduct or prostitution. In spite of the absence of serious offenses by these women, they all face deportation. Conflicting reports are still emerging as to when Immigration and Customs Enforcement (ICE) became involved in the investigation but it is clear its involvement complicated the LAPD's efforts to go after real criminals and threatens to seriously disrupt the lives of many Los Angeles families. The following are

comments by Angelica Salas, executive director for the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), a regional, human and immigrant rights, not-for-profit organization based in Los Angeles.

"LAPD's ill-advised decision to call Immigration and Customs Enforcement (ICE) officials has turned a local criminal and labor violations investigation into a chimera with devastating consequences for most of the women arrested that night. Although not one of the 80 women arrested by LAPD has been charged with lewd conduct, prostitution, or drug possession, thirty-six of them remain in ICE custody and another fifty-

two face uncertain futures with immigration court appointments.

Everyone knows how easy it is to prey on vulnerable immigrant workers, especially those without authorization to live and work in the country. Women working at the club are perfect examples of how unscrupulous employers take advantage of immigrants seeking a better life for themselves and their families but who do not report abuses fearing deportation. The LAPD and ICE knew or at least suspected that women working at the club were being exploited and yet no contingency plan was established to ensure all potential victims received appropriate guidance and recourse. Instead, all of

the women were turned over to ICE and now face deportation while the club remains open for business.

The LAPD has pledged to work with those whose lives have been turned upside down by this incident. They have also assured us that they are not in the business of deporting immigrants. In the meantime, however, ICE has once again managed to obfuscate a local criminal investigation and snarled the lives of honest, working women who do not represent a threat to the community. The Department of Homeland Security which oversees ICE, must be held accountable for once again failing in its commitment to the American people that they will use valuable resources to only go after serious criminals and those who represent a threat to the community.

We support the LAPD's efforts to clean our city of crime and those who commit them. We believe that in the case of the 907 Club raid, the victims of exploitation were thrown under the bus and left to their own devices. Turning these women over to ICE was a grave mistake. Even if LAPD is not, ICE is in the business of deporting people even if it means unjustly and inhumanely tearing families apart." ●

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# How Will Republican Leadership Play Their Cards on Immigration?

BY MARY GIOVAGNOLI

The predictions are already rolling in that the 112th Congress will get little done, each party miring themselves in partisan differences with the goal of a White House win in 2012. The thought of gridlock on so many pressing issues facing the country—fiscal policy, stimulating the economy, ensuring job growth—is sobering. And two more years of inaction on immigration reform—reform that would help our economy grow and respects the rights of people—well, that’s simply depressing. But it doesn’t have to be that way. If Speaker-elect John Boehner is really interested in governing, he will think long and hard about the direction he allows the House to go on immigration.

The next Speaker faces a challenge—does he allow immigration hardliners to pummel the Administration to score points with Tea Partiers and other parts of the Republican base and allow them to set an agenda that goes against Republican interests for the 2012 election? Or, does he realize that immigration is one of the truly bipartisan issues out there, where resolving our immigration crisis in a rational way is not only possible, but good for both parties? While House Republican leadership hasn’t yet said how they will approach the issue, doing nothing to rein in long-time restrictionist congressmen will likely lead their party astray. For years now, Republicans in the House Judiciary Committee have cultivated a get-tough, restrictionist approach to immigration embodied by ranking member Lamar Smith and echoed by his colleague Steve King. Both have repeatedly pushed the immigration issue to the far right, and King has made some notoriously uncivil statements about immigrants. Congressman Smith has already announced that he will be the next Judiciary Chair and that immigration will be his top priority. It’s assumed that Congressman King will become his Immigration Subcommittee chair. But those positions of leadership mean they no longer have the luxury of playing the outsider



knocking on the door. Changing the tone and tenor of the debate has to come from the leadership most responsible for it, or it won’t come at all.

So the question really will be whether the new Speaker of the House wants to encourage the kind of theatrics on immigration that will likely come about if there is no voice of moderation. In an essay written back in September, Congressman Smith pinned all the blame for our crumbling immigration system on President Obama’s unwillingness to enforce the law. Just this week, Smith said that “attrition through enforcement,” a phrase popularized by the restrictionist organization Center for Immigration Studies and embedded in the Arizona law, has got to be the solution to our immigration mess. Ironically, Congressman Smith was the architect of many of the changes to our immigration law back in 1996 that have accelerated today’s crisis. His changes under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, signed by President Clinton, were all aimed at making our laws tougher in order to end illegal immigration; these changes have failed, and in fact have backfired, creating punitive laws without the discretion necessary to administer a system that is both fair and safe.

The good Congressman also loves oversight hearings and he will no doubt require DHS and DOJ officials to repeatedly

explain their decisions, using these hearings as a platform to promote ideas on immigration reform that are out of step with the mainstream, popular among the fringe, no doubt, but not with mainstream Americans or key electoral groups including Latinos. Many are already predicting that winning the White House will be impossible without capturing wider demographic groups. Thus, an immigration policy that goes beyond the Tea Party is essential.

In a Washington Post editorial today, columnist Edward Schumacher-Matos urged Speaker-elect John Boehner to turn down the hateful rhetoric and steer away from restrictive immigration measures that have long characterized the Republican approach to immigration.

And so I beg you, Mr. Boehner, not only out of party self-interest but out of concern for national peace, to get your party to tone down the rhetoric. Yes, the illegality has to end, and new enforcement systems are in place. It is now up to you to help constructively integrate even the illegal immigrants here in a way that best benefits our great country.

Will the new leadership in the House recognize that furthering an immigration agenda that polarizes the country is a bad idea? The gentleman from Ohio will have to decide. ●

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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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**My Administration will not give up/continued from page 1**



their efforts. The DREAM Act is important to our economic competitiveness, military readiness, and law enforcement efforts. And as the non-partisan Congressional Budget Office reported, the DREAM Act would cut the deficit by \$2.2 billion over the next 10 years. There was simply no reason not to pass this important legislation.

It is disappointing that common sense did not prevail today. But my administration will not give up on the DREAM Act, or on the important business of fixing our broken immigration system. The American people deserve a serious debate on immigration, and it's time to take the polarizing rhetoric off our national stage.

I thank Senators Durbin, Reid, and Menendez for their tireless efforts. Moving forward, my administration will continue to do everything we can to fix our nation's broken immigration system so that we can provide lasting and dedicated resources for our border security while at the same time restoring responsibility and accountability to the system at every level.●

## Building on a DREAM: What the Obama Administration Can Do Right Now to Fix Immigration

BY MARY GIOVAGNOLI

The United States Senate recently took key votes on two social issues—Don't Ask, Don't Tell, the seventeen-year ban on gays serving openly in the military, and the DREAM Act, a vital piece of immigration reform that would have allowed thousands of undocumented young people a chance to go to college, serve in the military and earn legal status. Both bills had passed the House of Representatives, had the backing of the White House and the support of a majority of the public, but by a vote of 55 to 41, the Senate failed to invoke cloture and proceed to debate on the DREAM Act. While the Senate failed, however, the movement did not. Now, more than ever, the administration needs to capitalize on the momentum of the DREAM Act, continuing to push for both legislative and administrative reform.

President Lyndon Baines Johnson, in urging Congress to pass the Civil Rights Act of 1965, clearly saw the consequences of inaction:

And we ought not, and we cannot, and we must not wait another eight months before we get a bill. We have already waited 100 years and more and the time for waiting is gone. So I ask you to join me in working long hours and nights and weekends, if necessary, to pass this bill. And I don't make that request lightly, for, from the window where I sit, with the problems of our country, I recognize that from outside this chamber is the outraged conscience of a nation, the grave concern of many nations



Photo: White House

and the harsh judgment of history on our acts.

Congress and the President would be remiss to ignore this exhortation from the past. While there is time in the grand scheme of things for change, every day of waiting worsens the situation for immigrants without legal status. The continued degradation of our immigration system isn't measured in procedural near misses in the House or Senate. It's measured in lives short-changed, families separated, and dreams shattered. In the three years since DREAM last came to a vote in the Senate, we have witnessed more deportations annually than ever before, more criminal prosecutions of immigration violations, and more resources thrown at the border. We have seen anti-immigrant sentiment grow, seen Arizona and other state legislatures spin out of control with SB 1070 and other enforcement measures, and have seen former immigration champions lose the courage of their own convictions and fail to stand up against the anger and vitriol of a small but vocal minority of the population.

Those very disappointments and dangers, of course, have given birth to the new generation of activists who so brilliantly and bravely led the DREAM movement. Many of them are undocumented and risked deportation to fight for justice. Many more are immigrants or the children of immigrants who can't fathom that their country would ever deport their friends and classmates, let alone view immigrants as some kind of enemy. And many more who came out in the last few weeks or months to support DREAM were not immigrants, but native born citizens who understand that DREAM offered a solution to better the lives of us all.

The evidence remains overwhelming that DREAMers would contribute to the economy, expand the tax base, and make use of their talents to serve the country's military. Every year, more evidence emerges that the failure to reform our immigration system is a blow to our country and to the individuals who are swallowed up in Congress' political failure.

The battle for DREAM isn't over, of course. We should expect to see its sponsors introduced DREAM 2012 in the next Congress. We should expect to see those in power who oppose the bill, particularly in the House, do all they can to block its pas-

sage. And we can definitely expect to see even more advocacy, reaching into every corner of the country.

But the urgency of the situation—with an estimated 65,000 undocumented students graduating annually from high school—cannot wait for the slow and plodding ways of Congress. Staving off disaster will require the Obama administration to take bolder and more affirmative steps than it has thus far been willing to do to mitigate the impact of this broken immigration system.

Over the next year, the Obama administration must take a page from its predecessors and use the numerous tools available to it—executive orders, administrative rule-making, prosecutorial discretion, policy directives, and good old common sense—to craft immigration policies that extract every last bit of justice and fairness out of the laws we currently have. The administration must also acknowledge that its increased enforcement efforts have not resulted in any bipartisan support for comprehensive immigration reform, but it has contributed to a drive towards deportation as the default immigration policy of this country and all of the harmful consequences that come with it.

No one should abandon the legislative process. If anything, there should be more legislation. The administration and those who support smart immigration reform should bombard Congress with new ideas—for comprehensive reform, for targeted employment reforms, for asylum and refugee reforms, for elimination of backlogs—you name it—on the theory that we must turn public support for immigration reform into concrete statements of action.

Layering on the legislation has another advantage, too. The more votes that people must take, the more they can be held accountable. Right now, too many members of Congress are afraid that the votes they take in favor of immigration are the ones that are hurting them. Given the reaction to Saturday's DREAM vote, continued legislative campaigns will help ensure that this calculation changes. After all, ask the people who worked to abolish slavery, to gain women the vote, to create the civil rights laws of the 60s, or to end the ban on gays serving in the military—change is inevitable. The challenge for each of us in the New Year and the New Congress is to be part of the change we hope to see.●

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# The Season of Slipping & Falling into Money

BY STACY JACOB, ESQ.

**W**hat is the first thing that comes to mind when you slip and fall on public or private premises? For some people, it's a dollar sign. While one's personal care and safety should be foremost in one's mind, there is a natural inclination for some people to think instantly about what money they can recover after a fall.

As we approach the season of icy sidewalks, slippery steps, and department stores with floors wet from snow covered boots, people must take special care going about their business. However, if you do manage to fall, trip, or slip during treacherous weather conditions, the first thing you ought to do is get medical attention. If you are conscious, have someone call an ambulance, or use a cell phone and call one yourself. One of the worst things you can do is jump up, declare that you are fine, but then a few days, or hours, later, you are limping, your neck hurts, and your back is in pain. Don't delay in seeking medical attention. Such delays can often lead to an exacerbation of the injuries and make your recovery more difficult.

After you have received medical attention, contact an attorney. But do not



expect to walk into a law office and exit the same day with a huge wad of cash. An attorney will evaluate the circumstances surrounding the incident and advise you what steps must be taken to obtain compensation for your injuries. An attorney will consider past, current and future estimated medical expenses, time lost from work, any property damage, the cost of hiring someone to do household chores you cannot do due to your injuries, and other factors. Weighing heavily in the

attorney's consideration will be any permanent disfigurement or disability.

Armed with this information, the attorney can attempt to settle the case with an insurance company. If the matter cannot be resolved amicably, you should be mentally and emotionally prepared to go to trial. In either case, the process can take from a few months, if the case settles, to a few years, if the case goes to trial.

And what about the amount of money you can recover? Bear in mind that while each case is unique, there are certain factors that insurance companies consider when deciding how much to offer as a settlement. The insurance company will consider such issues as how invasive your medical treatment has been, how long it is taking—or will take—for you to recover, whether there are any visible and permanent effects of your injury, such as a scar, as well as other factors.

Being injured is an unpleasant event. The best advice is always to be careful as you go about your daily routine, especially during the winter. But if despite your care, you happen to slip, fall, and injure yourself, get medical attention and seek legal guidance. Injuries are not pleasant, but don't add insult to injury by not getting compensation for your pain. ●

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# Statutory Numbers

1. This bulletin summarizes the availability of immigrant numbers during December. 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 November 10th 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: 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. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;
- B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

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

Fourth: 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."

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

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, DOMINICAN REPUBLIC, 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.) ●

Family	All Chargeability Areas Except Those Listed	CHINA-mainland born	DOMINICAN REPUBLIC	INDIA	MEXICO	PHILIPPINES
1st	15FEB06	15FEB06	01JUN04	15FEB06	01JAN93	01APR97
2A	01AUG10	01AUG10	01AUG10	01AUG10	1MAR10	01AUG10
2B	01JUN05	01JUN05	01JAN02	01JUN05	22JUN92	01MAR00
3rd	01JUN02	01JUN02	01JUN02	01JUN02	22OCT92	01JUL92
4th	01JAN02	01JAN02	01JAN02	01JAN02	22DEC95	01JAN88

Source: U.S. Dept of State

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## Mixed Marriages

BY KATHY ROUGIER, B.Sc

For the marriage between two people to be successful there must be some compromise. Having personal differences to begin with, additional ones such as race, religion, culture and nationality pose additional problems that couples must work out as in mixed marriages.

The term "mixed marriage" is often associated with interracial marriages. However, the term also incorporates the union of two people from different religious denominations, nationalities and cultures.

Mixed marriages have been met with resistance by family, friends and society, but love between two people somehow transcends and often time weathers those storms. Until 1967 interracial marriages were illegal in the United States and many couples were imprisoned for doing so.

Relatives and society are external forces that work against mixed marriages. Family members may feel as though one party isn't embracing the culture, beliefs, norms or religion. A family may not understand the other person's culture. Some families also degrade the spouse coming into their family, and may disown a member of the family who marries outside of the race, religion or other beliefs. Between the couple, challenges include



**"Success in marriage does not come merely through finding the right mate, but through being the right mate". ~Barnett R. Brickner**

expectations, ideals, values, norms and beliefs.

Members of some societies have been

cruel to couples. They may be subject to snide comments, discrimination and physical assault. Fortunately, tolerance and acceptance is becoming more widespread.

Not all individuals, families or societies have evolved to the point where mixed marriages are accepted. In countries, like Indonesia, only the rights of citizens are recognized. If an Indonesian woman marries inter-racially or inter-nationally, offsprings are considered citizens of their father's country, even if the family lives in Indonesia. When her husband dies, unless she gets a sponsor for them, the children will be deported to their father's country. If the woman dies before her husband, he and their children would be left homeless, since they have no rights to property in her name, and without a sponsor they would be deported.

There is fear among friends, family and society in general that people entering into a mixed marriage would lose their identity, culture or heritage. It is possible though for both

the husband and wife of a mixed marriage to accept, understand and embrace their partner's differences while maintaining their own. Partners in a mixed marriage often must be stronger and more confident within their partnership than the average couple.

Couples with different religious convictions may not agree on which faith to teach their children. The best way to avoid this problem is to discuss it at length before conceiving a child. In-depth discussions and compromises can dispel potential problems. Teaching the children both faiths and letting them decide upon adulthood is a compromise many couples make. They should also be taught the culture and heritage of both parents.

Society has often said that children would suffer in mixed marriages. However, many notable children born to interracial or international couples have thrived. These include renowned golfer Tiger Woods, actress Halle Berry and President of the United States, Barack Obama. ●

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# CIR 2010: Legalization of Undocumented Individuals

**The following is Title V of the Comprehensive Immigration Reform (CIR) Act of 2010:**

- Creates a provisional legal status, Lawful Prospective Immigrant (LPI), for undocumented immigrants who are present in the U.S. as of September 30, 2010, register with the government, have never committed a serious crime, and are otherwise admissible to the United States.
- Applicants must submit biometric data and undergo background and security checks and pay appropriate fees.
- Applications for LPI status will be accepted for one year; persons facing removal proceedings or with final removal orders will be permitted to apply if they are otherwise eligible.
- LPI status will be initially valid for four years, with the possibility of extensions.
- LPI status confers work and travel authorization.
- Spouses and children residing in the U.S. or abroad will be eligible for LPI Dependent (LPID) status.
- LPI and LPID status may be revoked at any time if the LPI/LPID ceases to be eligible for the program or is absent from the U.S. for more than six months without permission.
- After six years in LPI/LPID status, an

applicant may apply to become a lawful permanent resident, provided he or she continues to meet all eligibility requirements, including renewed biometrics and background and security checks, and also establishes basic citizenship and English skills, payment of all taxes, and compliance with Selective Service registration.

- Applicants over the age of 21 will pay a \$1,000 penalty in addition to processing fees.
- Persons granted LPR status under this Act will be ineligible for means tested benefits in accordance with existing law.
- Regardless of date of application, no one may receive LPR status for at least 8 years from the date of enactment or 30 days from the date that visas are made available to reduce all backlogs covered by this Act.
- Creates administrative review, removal proceedings, and judicial review for aliens who have applied for lawful prospective immigrant status. Denials of applications may be appealed to a special administrative review panel. A denial from the administrative appeal is final and may not be renewed in immigration court, but an applicant may preserve federal judicial review, which may only be considered after the completion of removal proceedings. If an applicant is

not already in removal proceedings and wishes to pursue further review, he or she must ask to be placed in removal proceedings. There is no judicial review available for late filing denials. Broader challenges to the implementation of the law may be brought in federal court. However, there are limits on the nature, jurisdiction and timing of certain claims.

- Includes provisions to ensure confidentiality of information. Release of material about an individual application is strictly prohibited, and subject to disciplinary action and civil penalties, except in circumstances relating to legitimate law enforcement or national security inquiry or a coroner's request and only when that inquiry is specific or governed by existing information sharing agreements. Confidentiality protections do not apply where fraud is established or all proceedings related to the application have been completed.
- The number of persons granted LPR status under this Title will not be included in calculating annual visa limitations. Information submitted regarding past employment can not be used against an employer for purposes of prosecuting immigration or tax laws. Requires Social Security Administration to assign SS numbers to LPI/LPIDs.

- Regulations must be issued within nine months of enactment. The government is authorized to engage in contracting and hiring (in order to quickly build the program) without following certain requirements and may lease properties and modify facilities directly.
- Permits LPIs to correct their social security records without penalty and requires the creation of fraud prevention programs within the departments charged with administering the legalization provisions.
- Incorporates the entirety of the "DREAM Act."
- Establishes two new fee accounts. The first will use application fees and appropriated funds to operate the LPI program, including the costs of outreach, grants to service providers, and anti-fraud programs. The second account will distribute penalty fees collected into the program, to repay initial start up funds, and to further benefit immigration benefit, enforcement, investigation, fraud prevention and integration programs. ●

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*By the Credit Repair Attorneys at Figeroux & Associates*

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ICE’s Priorities

continued from page 1

received an ICE detainer. The results are counterintuitive, and alarming. One would imagine that there exists a discernable connection between the crime and the detainer. It seems reasonable to think that the more serious the drug offense, the more likely one would be detainer, and conversely, the less serious the drug offense, the less likely a prisoner would be issued an ICE detainer. But it seems that the saying, “in for a penny, in for a pound,” holds true in ICE detainers. Thus, for the noncitizen arrested on a misdemeanor charge, be prepared to be detained by ICE as if you had committed a more serious drug offense. That being the case, the best advice is the obvious advice: do your best to avoid entanglement with the law, whether due to involvement with illegal drugs or otherwise. Even before the economic downturn plaguing the United States, there has always been the temptation to create or supplement one’s income by engaging in the drug trade. It is especially tempting for illegal aliens who are faced with the challenge of finding a good, well-paying job, without possessing a green card. But despite the lure of “easy money” vis-à-vis selling illegal drugs, participation in the drug trade may sharply curtail any hope of living the “American Dream.” Instead, an immigrant may find himself or herself sitting in jail with a deportation detainer. Rather than destroying any hope of eventually settling in the United States as a permanent immigrant resident, seek the advice of an immigration lawyer. Your lawyer may be able to help you get a green card. And a green card opens the door to financial and educational opportunities available to permanent immigrant residents, the initial step in living the dream you imagined when you first entered the United States. ●

Dream Act Vote Will Not Be Forgotten

The U.S. Senate closed the door shut for now on the Development, Relief and Education for Alien Minors Act (the DREAM Act) failing to garner the 60 votes required to avoid a filibuster. Here are some statements in reaction to this failure:

Angelica Salas, Executive Director at the Coalition for Humane Immigrant Rights in Los Angeles (CHIRLA):

“This is a dark day in America. The Senate, as stewards of our nation’s economic destiny, cultural diversity, and military might, has chosen to hide behind cowardly excuses and partisanship and failed the American public and the thousands upon thousands of bright, dedicated, and hard-working young Americans-to-be. The Senate has voted down the DREAM Act once again but the immigrant community will not compromise its future to feeble leadership once again. We will strengthen our voter engagement programs and we will focus our attention on 2012.

Passage of the DREAM Act would have meant an end to nights and days of uncertainty, pain, and constant

rejection of a more humane reality for each of these young men and women and their families. Today, the Senate has given up on bright, promising young people like: Dalia, 19, who wants to be a psychologist and work with autistic children; Marcos, 20, who is studying to be a neuroscientist; Selene, 18, who wants to practice family law; Oscar, 21, who sees nursing as a way to care for others; and, Eder, 22, who is gearing up to be the best chemical engineer in his field.

The Senate should be ashamed for failing to listen to the plight of a whole nation that believes in justice, fairness, and a second chance. But let there be no doubt about it: we will come back again and again until our inhumane and unjust laws cease from keeping millions from drowning in a sea of darkness and anonymity.”

Maria Rodriguez, coordinator for the California DREAM Network, a project of CHIRLA:

“Today, the Senate made a huge mistake. It failed to recognize the contributions of its own young people, its own creation. Today, democracy failed all of us because everything we have done to urge the passage of the DREAM act, we did it by the book. All the visiting of the legislators, the emails, the letters, the phone calls, the

public demonstrations, and the chants that included “tell me what America looks like”, did not reach the ears and the hearts of the Senate. Today democracy lost and politics won. The future doctors, lawyers, astronauts, chefs, and attorneys waiting for this vote to become a reality will continue to remain in the shadow and afraid to show America their beauty and skills.”

Natalia Aristizabal, youth organizer at Make the Road New York:

“We are extremely disappointed that several Senators stood in the way of a common sense bill that would benefit our country and help thousands of youth,” said . This vote makes it very clear that Republicans and Democrats who voted against the DREAM Act voted against Latino youth and their families.”

Guadalupe Gracida, a youth member of Make the Road New York

“I feel sad and disappointed by today’s vote, but I am not defeated. Our struggle doesn’t end here. Young people will join forces with immigrant workers, parents, and everyone in our community to continue fighting for immigration reform.”

continued on page 11

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## Supreme Court Hears Two Cases Affecting Immigrants, Including a Case Challenging a Recent Anti-Immigrant Law

BY BETH WERLIN

When the United States Supreme Court recently opened session, one of the cases presented is a challenge to a state law that sanctions employers for hiring unauthorized workers. This is the first case challenging the recent influx of state and local laws attempting to regulate immigrants and immigration and an opportunity for the Supreme Court to assert the federal government's constitutional right to set immigration law. In the second immigration case, the Supreme Court must decide whether former citizenship law provisions—which imposed a five-year residency requirement for U.S. citizen fathers, but not mothers—violate equal protection.

In *Chamber of Commerce v. Whiting*, the petitioners, various businesses and civil rights organizations, argue that a 2007 Arizona statute is unlawful because it is preempted by federal immigration law, specifically, provisions of the Immigration Reform and Control Act of 1986 (IRCA). As the petitioners explain in their

brief to the Court,

[i]n IRCA, Congress created a comprehensive scheme for regulating the employment of aliens, including the methods by which to verify a job applicant's eligibility for employment. It balanced multiple, sometimes competing, objectives: deterring illegal immigration, protecting applicants from discrimination, accommodating privacy concerns, and minimizing burdens on employers.

Yet, the Arizona statute disrupts this uniform scheme and unconstitutionally interferes with the federal government's authority to devise a comprehensive system governing immigration-related employment. The Obama Administration agrees and has filed a brief supporting the challengers in this case. The American Immigration Council, along with the American Immigration Lawyers Association and the National Immigrant Justice Center, also filed a brief in support of the challengers detailing the complexity of the federal system and the burdens employers, workers, and practitioners will face if the states are allowed to adopt competing

schemes.

Numerous states and localities have enacted laws attempting to regulate immigration law. These laws include another, more expansive Arizona statute (SB 1070), and the Hazleton, Pennsylvania ordinance, both of which lower courts have struck down. Numerous other states and localities are considering such laws. Thus, *Chamber of Commerce v. Whiting* comes at a critical juncture. The Supreme Court must send a clear message that the states are not allowed to usurp the federal government's power and upset carefully developed schemes. While our federal immigration system may be in need of reform, creating a patchwork of state laws attempting to regulate immigration is not the solution.

The Supreme Court also will hear a second case with implications for immigrants. In *Flores-Villar v. United States*, the Court will look at former provisions of the citizenship laws and whether they violate equal protection. These provisions imposed a five-year residence requirement, after the age of fourteen, on U.S. citizen fathers—but not on U.S. citizen

mothers—before they may transmit citizenship to a child born out of wedlock abroad.

The petitioner in *Flores-Villar* was born in Mexico to a U.S. citizen father and a noncitizen mother. He grew up in the United States and his father subsequently filed an acknowledgment of paternity in Mexico. The petitioner was later deported from the United States and thereafter criminally charged with illegal reentry when he returned. As a defense to the criminal charge, he contends that he is a United States citizen. He argues that because the citizenship laws required five years of residency for U.S. citizen fathers, but a less demanding residency requirement for U.S. citizen mothers, the law makes an unlawful classification on the basis of gender. This case has implications not only on immigration cases, but potentially on gender discrimination claims in other contexts as well, and thus provides the Court an opportunity to clarify that unsustainable gender-based classifications cannot stand, regardless of the context in which they arise. ●



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## Warning: Undocumented? Avoid Deportation Trap of Buses & Trains

Immigrants are being targeted for deportation while riding on Amtrak and Greyhound. These private transport companies are collaborating with immigration authorities to turn rides into a raid on wheels for unsuspecting immigrants.

Immigrant rights activists led by Families for Freedom, recently joined the families who rallied in front of Amtrak and Greyhound headquarters to hold the travel companies accountable for taking their money and not warning them that they may be interrogated, arrested and detained by immigration officials.

Sonia, who immigration officials arrested along with her family while they rode peacefully on an Amtrak train, spoke about the terror of being grilled by immigration officials and separated from her family. *"This is the last thing I expected coming home. They seemed to be approaching all of the Latinos on the train and asking them for papers. One family even had work permits but immigration officials told them that this was not enough and they were detained also. I'm a customer, I paid just like everyone*

*else, but my family and I were treated like we are less than human beings,"* she said. Sonia's family was detained at the Amtrak station and then transported to an Immigration and Customs Enforcement (ICE) facility where some members were sent home and others imprisoned in the Buffalo Federal Detention Facility.

After being bonded out they experienced the same terror a second time coming home on the Greyhound bus.

*"What this says to us is that immigrants—documented or undocumented—can expect to be targeted and inspected every single time they board Amtrak or Greyhound to go anywhere near a U.S. border crossing. That these companies do not warn people they may end up in immigration detention through the simple act of purchasing a ticket is unconscionable,"* said Maria Fuentes of Families for Freedom, a network by and for families facing and fighting deportation.

*"I have witnessed a raid on a Greyhound bus and could see that the families detained were scared and unable to communicate with the ICE and Customs and Border Protection*

*(CBP) officials,"* said Joanne Macri, Director of Association Immigrant Defense Project. *"We all sat stunned as they took families with children off of the bus. Passengers are not expecting a raid on a routine bus or train ride. I could see they did not know it was their legal right to ask for an attorney or refuse to proceed with the interrogation,"* Macri continued.

This shocking trend is part of the Department of Homeland Security's efforts to deputize everyone in the community to help them enforce immigration law.

*"They claim that they are simply stepping up border inspections but essentially they are bringing the border to you. It's easy pickings for them to target unsuspecting people on these busses and trains but a nightmare for New York City families who will face deportation as a result of having taken that train or bus ride,"* demanded Juan Carlos Ruiz, Director of New York New Sanctuary Movement.

Families for Freedom and the Immigrant's Journal Legal & Educational Fund Inc, wants to warn immigrants that

when stopped by immigration officials it is your right:

- To ask for an attorney. You can say, "I cannot answer your questions without my attorney present."
- To not sign anything.
- Don't lie.
- Do not be combative, be polite and clear. You don't want to give them an excuse to assault you physically.
- Make sure someone in your family knows where you are going and has all your information so they can find you if you are detained.
- Expect to be investigated by immigration officials each and every time you ride Amtrak or Greyhound or anytime you drive near the border. ●

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The last Thursday of every month!

## Dream Act Will Not Be Forgotten

/continued from page 9

**Ana Maria Archila, Co-Executive Director of Make the Road New York**  
*"The senators that voted against the DREAM Act sent a terrible message today to millions of young people in this country: your lives don't matter and your aspirations are irrelevant to the future of America. We thank those who did the right thing and not only voted for the DREAM Act, but voted for hope and opportunity."*

**New York City Comptroller John C. Liu:**

*"The failure of the DREAM Act adversely impacts New York as a whole and limits our full potential. It would have helped the City of New York and the rest of our nation remain competitive in the global marketplace with skilled and talented individuals achieving higher education."*

*Humane, comprehensive immigration reform remains long overdue and desperately needed."*

**Assemblyman Nick Perry is the Assistant Majority Leader of the New York State Assembly and is Chairman of the NYS Association of Black, Hispanic, Puerto Rican and Asian Legislators:**

*"Today, Senate Republicans hastily extinguished the torch held by Lady Liberty, supposedly a beacon of light for those in pursuit of a better life for themselves and their families. Today that torch shines red, like a stoplight in New*

*York harbor, no longer a welcoming symbol for those yearning to breathe free, but rather a reminder of how much work we as a people still have to accomplish. This vote magnifies the anti-immigrant, right-wing agenda, still so prevalent in our country today. While opponents of the Dream Act can attempt to shroud their bigotry with pseudo-patriotic, anti-terrorism rhetoric, a vote against the Dream Act was nothing short of anti-American."*

*Thousands of hard-working young men and women have been penalized due to no fault of their own, and nothing could be more un-American. These young men and women were merely following the blueprint for the American Dream, as laid out by the millions of immigrants who came to these glorious shores before them; who served their country, pursued an education, loved the USA and helped our country thrive and prosper. There is simply no good reason that the Dream Act was not passed today. As a naturalized American, who served in the US Military, and is now serving in the New York State Legislature, I am saddened and disappointed."*

**United We Dream:**

*Our campaign may be coming to an end but a new stage in our movement for dignity and human rights is about to begin. We will continue fighting for our dreams, and we will be able to mobilize an army of dreamers. Some of them will be future doctors, engineers, educators, and business leaders that will create jobs and*

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Legal Advisor, IJLEF**

*opportunities. Some of them will be future soldiers and generals to represent us in the military. All of them will fight for a stronger and more united America. Our hopes for the future are based on a history this nation of immigrants has already lived. That is why we hope, that is why we dream. We see the light while walking in darkness. We see the dawn before the rest of the world."*

**DREAM student, Alina Cortes, a 19-year-old Mexican-born immigrant from Texas:**

*"They did not defeat us, they ignited our fire. A self-described conservative Republican, she campaigned for the student bill, saying she hoped to join the Marine Corps."*

**Congressional leader Senator Robert Menendez (D-NJ), commented that this vote will flavor how Latinos vote in 2012:**

*"This is a vote that will not soon be forgotten by a community that is growing not just in size, but also in power and political awareness."*

In America, fairness cuts both ways. It's a country where one disenfranchised group of people can eventually change the course of history, where speaking truth to power and giving voice to justice is not only allowed, but encouraged. And no one knows this better than DREAM students—bright and talented youth who grew up in America and call America home, who know that the American dream is a dream worth fighting for. ●

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# Remembering Our Immigrant Veterans: An Incalculable Contribution

BY WENDY SEFSAF

Whenever restrictionist groups calculate the cost of an immigrant, they inevitably overlook the contributions of immigrant veterans who fight and die on behalf of Americans every single day. Immigrants have voluntarily served in all branches of the U.S. military from the beginnings of our great nation. In fact, without the contributions of immigrants, the military could not meet its recruiting goals and could not fill the need for foreign-language translators, interpreters, and cultural experts. According to Margaret Stock:

As of June 30, 2009, there were 114,601 foreign-born individuals serving in the armed forces, representing 7.91 percent of the 1.4 million military personnel on active duty. Roughly 80.97 percent of foreign-born service members were naturalized U.S. citizens, while 12.66 percent were not U.S. citizens.

In 2010 alone, the U.S. Citizenship and Immigration Services (USCIS) granted citizenship to 11,146 members of the U.S. armed forces — the highest number of service members naturalized in any year since 1955.

According to the Migration Policy Institute, the top two countries of origin for foreign-born military personnel are the Philippines and Mexico.

News reports have also highlighted the



Photo by U.S. Army Korea

grimmer statistics and stories of those who have lost their lives serving our nation. The families they leave behind are due our respect and appreciation. Veteran's Day is an appropriate time to take stock and remember those brave immigrants who thought so much of their adopted country that they made the ultimate sacrifice on its behalf.

USCIS Director Alejandro Majorkas said it best:

*"Many of our service members have risked their lives across the globe before becoming citizens here at home. Their brave acts, and those of more than 65,000 service members who have become citizens since 2001, demonstrate an extraordinary commitment to America. We are enriched by their decision to serve our nation and to join us as United States citizens."* ●

## Court Decision for Education and America's Future: AB540 Made Sense in 2003 and Makes Sense Now

Los Angeles Last month, the California Supreme Court upheld AB540, the law that allows undocumented students to pay in-state college tuition at public colleges and universities. The following are comments by Angelica Salas, executive director for the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), a regional, human and immigrant rights, not-for-profit organization based in Los Angeles, and Maria Rodriguez, California Dream Network coordinator. The CA Dream Network is a project of CHIRLA.



Angelica Salas states:

*"The Court's decision represents an A+ in favor of affordable public education for all students, including out of state, low-income, and undocumented students, and is a clear nod to continued investment in the success and relevancy of current and future leaders of America. The landmark AB540 made sense in 2003 when it first went into effect and it makes even more sense now — an affordable education is a right and the underpinning for a strong and vibrant multicultural nation."*

*While federal immigration laws remain broken, we celebrate the wisdom that has gone into keeping this tiny torch of hope ignited for California's student body whose main objectives are to be successful men and women and contribute even more to the only place they know as home, the United States of America. A great legacy of the lame-duck 111th Congress would be the passage of the Dream Act"*

Maria Rodriguez states:

*"Today we celebrate a victory for California and a continued investment in California's future. In spite of the national anti-immigrant sentiment, the Court has remained true to justice and common sense. Today, the Golden State recognizes the contribution of immigrant young people and their vital role for keeping California a beacon of hope and innovation."*

*California is sending a message that immigrants are part of the fabric of our nation's prosperity and culture by recognizing that educational access is granted based on merit not immigration status."* ●

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# More NYC Children Are Overweight than Parents Realize

A new study from the Health Department suggests that many parents are failing to recognize weight problems in New York City's children. When parents are questioned about their 6- to 12- year-old children, they report that less than a fifth of their kids (18%) are slightly or very overweight. When the same parents are asked whether a health care provider said their child was overweight during the past year, the proportion answering yes is even lower (13%). Yet objective measures suggest that two to three times that proportion – some 40% of the city's public children school – are in fact overweight or obese.

The findings come from the Health Department's first-ever comprehensive survey of child health in New York City. Besides revealing large gaps in adults' perceptions of children's weight, the study also highlights various behaviors that are contributing to the obesity epidemic, including a lack of exercise and the large amounts of time children spend watching TV or playing video games. The new data underscore the critical need for individual and community efforts to get children moving and to improve their diets.

The objective measures come from NYC FITNESSGRAM, a tool the Department of Education uses to record height, weight and fitness measures among New York City children school each year. The 40% rate of overweight children and obesity has not budged in the past two years, nor have the disparities among children in this age group. Hispanic children suffer the highest rates (46%), followed by black children (40%), white children (34%) and Asian children (31%). The problem is also more common among boys (43%) than girls (38%).

*"Obesity is a serious, widespread condition plaguing children," said Dr. Thomas Farley, New York City Health Commissioner. "It increases the risk of diabetes, asthma, high blood pressure and high cholesterol – all potentially life-long health problems – as well as heart disease and cancer during adulthood. It is critical that we protect children now, by creating environments that foster good nutrition and plenty of physical activity."*

The new survey indicates that many parents are missing an important warning sign about their child's future health, which points to a need for health care providers to bring it to their attention, as recommended by the American Academy of Pediatrics. Parents who reported that their child's health care provider discussed weight issues with them were more likely to perceive their child as overweight. Eight in ten children whose parents reported that a medical provider said they were overweight, were also perceived as overweight by their parents; compared with only one in ten children when the provider said nothing about



*"Each doctor visit presents an opportunity for an open, honest dialogue about a child's weight and how to stay healthy," said Dr. Lynn Silver, assistant commissioner for Chronic Disease Control and Prevention. "Key changes, such as cutting out sugary drinks, increasing physical activity and reducing screen time, should be discussed preventively. The City is also working to make sure environments where children spend their time, such as schools, daycare centers and after-school programs, offer healthy food and plenty of opportunities for physical activity. Families, medical providers, community partners and government agencies must work together to turn around the epidemic of child obesity."*

According to parents surveyed, one-third of NYC children ages 6 to 12 years old (33%) watch TV or play video games for three or more hours on an average weekday. These children are more likely to be perceived as overweight than those who watch less (25% versus 15%).

Children need at least 60 minutes of physical activity each day, but parent surveys suggest that only 40% of the city's 6- to 12-year-olds are getting that much activity outside of school. Parents reported that one child in 10 (11%) did not get even one hour of physical activity in the past week outside of school. Children described as getting at least one hour of physical activity outside of school in the past week were half as likely as inactive children to be described as overweight (16% versus 32%).

Some ways the City is working to curb childhood obesity:

- More than 750,000 schoolchildren now have their weight and fitness levels assessed annually in public schools with NYC FITNESSGRAM report cards. Each report card includes suggestions for healthy eating and physical activity.
- The Department of Education uses a curriculum called Move to Improve to help schoolchildren get the recommended 60 minutes of physical activity each day. The Health Department mandates 60 minutes of daily physical activity for children in the daycare centers it regulates.
- Since 2008, all City-funded meals in schools, daycares, after-school programs and other child care settings

have had to meet rigorous nutrition standards. Starting this year, vending machines in schools must also meet higher nutrition standards.

- The Health Department's Public Health Detailing Program has visited hundreds of healthcare providers to provide training and resources to combat obesity in children.

- City agencies collaborate on several initiatives aimed at healthy eating including the City's FRESH project to encourage new supermarkets in high need areas, efforts to increase Farmers Markets in low-income areas, and targeted programs – such as Green Carts, Healthy

Bodegas, and Health Bucks – to help increase access to healthy foods in areas with high obesity rates.

- The City sponsors educational campaigns to raise awareness about the consumption of sugary drinks, a major contributor to childhood obesity.

Some ways families can improve children's health:

- Dump the sugary drinks. Sugary beverages such as soda, sports drinks and sweet teas contribute to childhood obesity. Fruit juice is also high in sugar, so serve it in small glasses. Tap water, low-fat milk and seltzer are all good choices for kids.

- Cut back on the fast food. If you do buy fast food, choose options with lower calorie counts.

- Make sure your children get at least an hour of physical activity per day. Options include walking, biking, dancing, playing basketball, swimming – whatever they like that keeps them moving.

- Turn off the TV and the computer. Limit screen time to an hour a day.

- Talk to a health care provider about how to help your child maintain a healthy weight.●



## The Immigrant's Journal Fight Against Diabetes

The Immigrant's Journal is reminding the African American population of the dangers of diabetes and of its detrimental impact on vision. Therefore, we emphasize the importance of regular dilated eye exams. Diabetes rates continue to escalate among African Americans; at present, 3.7 million African Americans aged 20 years or older have diabetes. Studies show that African Americans with diabetes are more likely to develop diabetic complications and experience greater disability than white Americans with diabetes.

The best preventative measure is strict glucose control and annual dilated eye exams.



**Join The Immigrant's Journal in the Fight Against Diabetes!**

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## IMMIGRANTS' CONCERNS

# The Future of Driver's Licenses for Illegal Immigrants

BY ELISE FOLEY, WASHINGTON IND.

Illegal immigrants can only get driver's licenses in three states: New Mexico, Utah and Washington. As other states crack down on illegal immigration, the three states are reportedly receiving higher numbers of illegal immigrant applicants for driver's licenses — either because more undocumented people are moving to these states or because they are just visiting to get a license they can take back to where they live.

But the future of that practice is looking hazy: In all three states, officials and lawmakers have pushed for tighter restrictions on licenses to keep them out of the hands of undocumented immigrants, particularly those who reside in other states.

In Washington, a new policy went into effect today requiring driver's license applicants to give either a verified Social Security number or proof they live in the state. The new policy is part of a larger effort "to clamp down on license fraud," Washington Licensing Director Liz Luce told the Associated Press last week. The agency will copy and verify documents proving residency before it issues permanent driver's licenses to people who do not give a valid Social Security number.



New Mexico has yet to change its policies on illegal immigrants and licenses, but that could change under Governor-elect Susana Martinez (R). Martinez reiterated her support for repealing the current driver's license laws during an interview with Univision on Sunday.

*"Around 80 percent of people in New Mexico don't want the people who are here illegally to have a driver's license," Martinez said. "They want to ensure that those who get licenses are from the United States."*

Utah, finally, could see changes to how it gives out driver's privilege cards based on proposed laws to eliminate illegal immigration to the state. State Rep. Stephen Sandstrom (R) wants to pass legislation allowing immigration enforcement officials to access driver's

privilege databases, which would deter many undocumented people from seeking licenses in the first place.

Why does this matter? According to pro-enforcement groups, allowing undocumented immigrants to receive driver's licenses is a type of amnesty and could draw illegal immigrants to the United States. But advocates of the driver's license laws say it's a matter of public safety because licensed drivers are tested for their knowledge of driving laws and required to carry insurance. Cracking down on driver's licenses for illegal immigrants, then, would lead to more adults who cannot drive — a tough situation in regions without good public transportation — or more unlicensed drivers. ●

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## 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 promises, 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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