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On the Verge of Crisis: The Broken Immigration System

...the failure by the federal government to address immigration issues has led to challenges and conflicts at all levels of society – National, State and Local.

It is time to treat our immigrant community with dignity.

As the nation grows more divided on the issue of immigration reform and attacks against the civil rights of immigrants increase, the federal government remains in a decade-long state of paralysis. Our federal legislators seem incapable of crafting legislation to resolve the status of between 10 and 12 million undocumented immigrants, even as hate groups flourish, even as local municipalities routinely violate the rights of immigrants with draconian housing inspection programs, even as elements of the media mock Latinos and bigoted stereotypes are unveiled as verifiable truths. The case of New Jersey offers little in the way of encouragement. Governor Jon S. Corzine is a friend of the immigrant community and yet in 16 months in power has done virtually nothing to safeguard their civil rights, not even a timid objection to the increasing federal raids that are displacing children and separating families.

The issue is a critical one for the Latino community of the nation and the state. As part of an effort to take stock of the current crisis and develop strategies and policies to address it the Hispanic Directors Association of New Jersey (HDANJ) and the Latino Leadership Alliance of New Jersey (LLANJ) called together immigrant leaders and advocates from across the state for a roundtable at Rutgers University on March 11 and 12, 2007.

The panelists were drawn from a cross-section of the Latino community and included representatives of community-based, non-profit organizations, migrant workers, community organizers as well as documented and undocumented immigrants. During the roundtable the panelists were briefed by United States Senator Robert Menendez

about the status of comprehensive immigration reform and urged by him to utilize their "passion" to rally federal lawmakers. A representative from the office of Governor Jon S. Corzine and Nicholas V. Montalto, chairman of the New Jersey Immigration Policy Network, also addressed the panel. The group was given a copy of Montalto's policy paper – *Out of the Many One: Integrating Immigrants in New Jersey* – as a primer on the status of immigrants in the state, including an estimated 400,000 undocumented.

The panelists operated on the basis of several underlying premises during their deliberations and debates. One of those was that the failure by the federal government to address immigration issues has led to challenges and conflicts at all levels of society – National – State – Local. As a result the panel was divided into three groups and asked to come up with policy recommendations appropriate for each level. They were asked to concentrate on actions that the Latino community could take in New Jersey and locally to effect positive change for immigrants.

In addition to recommending policy changes, the panel was self-critical and found numerous areas where immigrants and immigrant advocates could work more effectively to defend and promote the rights of immigrants. Therefore this report is as much a letter to immigrants and their advocates calling for greater cooperation, as it is a statement of policy.

The following themes emerged from the two-day roundtable:

- New Jersey immigrant leaders must build broader and deeper alliances with national organizations to complement and strengthen their own advocacy efforts. Within the state there is a need to work in a more coordinated fashion with all immigrant organizations from

continued

Cape May in the south to Bergen County in the north.

- The community needs to identify pro-immigrant candidates on a local level and mobilize around them. In addition, there needs to be a rapid mobilization and response to anti-immigrant measures on a local level. Such a response has been effective in communities like Riverside and Freehold which have recently considered (in the case of Freehold) and adopted (in the case of Riverside) ordinances aimed at making life impossible for immigrants. A similar response would be appropriate in the case of Morristown which has applied to the federal government to deputize its police department to serve as immigration agents. A forceful response by the immigrant community in general and the Latino community in specific is in order.

- Local immigrant communities need to promote the passage of “sanctuary” ordinances or the issuance of executive orders that guarantee that undocumented immigrants will be treated with respect and dignity by the local government and will not suffer discrimination.

- Immigrant leaders and advocates must redouble their education efforts to inform the community of their rights and responsibilities as residents of New Jersey in terms of wage labor laws, housing ordinances and their involvement in the school system.

One of the most obvious areas of concern is the failure of the Corzine administration to do anything concrete with regards to issues of bias against immigrants.

In the area of policy, the panel identified a number of key recommendations that could be taken in the near future to alleviate the suffering and mistreatment of the immigrant community. As this report goes to press, we are acutely aware that comprehensive federal immigration reform and its passage sometime this year will make some of these recommendations less relevant, if not obsolete. The Hispanic Directors Association and the Latino Leadership Alliance is committed to reconvening the roundtable again in the future to reconsider these issues in light of new conditions on the ground.

One of the most obvious areas of concern is the failure of the Corzine administration to do anything concrete with regards to issues of bias against immigrants. The excuse that it is a federal issue is simply insufficient cover for the governor when every day municipalities consider ordinances that in effect discriminate against immigrants in terms of housing. The excuse is insufficient when every day petty motor vehicle offenses regarding false documentation are bumped up to felonies by state prosecutors. The excuse is insufficient when every day immigrants file complaints for non-payment of services and are forced to wait months, if not years, by the State Department of Labor for a fair wage hearing. At the roundtable, a represen-

tative for the governor said Corzine was considering the establishment of an “Immigrant Commission.” The governor’s office was unable to give a firm deadline for the establishment of such a commission nor its budget or function. The governor has done nothing to champion legislation favorable to immigrants. He has distinguished himself through his inaction. As this report went to press, the governor’s office again expressed interest in pushing ahead with the commission at a meeting with the Latino Leadership Alliance Board of Delegates on March 31, although no public announcement by the governor’s office appeared imminent.

The following are the panel’s policy recommendations for our federal legislators and state officials:

1. New Jersey’s entire Congressional delegation must show leadership and support for Comprehensive Immigration Reform at the federal level. The legislation must include an earned path to citizenship for all immigrants. Congressional members can call on panelists of this roundtable as resources to develop their positions on the details of legislation in Washington. New Jersey immigrant leaders are now in the process of setting up community forums to debate the recently introduced Security Through Regularized Immigration and a Vibrant Economy Act (STRIVE Act), which was introduced after the roundtable.

Since strengthening families should be a paramount concern of immigration reform a provision granting the parents of United States minor children permanent residency needs to be accomplished.

2. Suspend immediately the raids on workers by United States Immi-

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gration and Customs Enforcement, often referred to as ICE. The raids are intensifying at a time when immigration reform is at the center of a national debate. There is little point in continuing, and even less, in increasing the separation and heartache to immigrant families when negotiations are under way in Congress to resolve the issues.

On the local level, municipalities must debate and pass sanctuary ordinances such as those passed in Trenton and Newark supporting the immigrant community and guaranteeing them vital services.

3. Governor Corzine needs to issue an executive order guaranteeing that New Jersey through the Department of Children and Families will not discriminate against children in undocumented families.

Particularly important is to cover the health care and psychological needs for children in families traumatized by ongoing federal raids that are separating undocumented parents from their children, many of whom are United States citizens. The subject was discussed with Governor Corzine on March 31 at the Latino Alliance Board of Delegates meeting. A request to Commissioner Kevin Ryan of the New Jersey Department of Children and Families to consider this proposal was made on April 2.

4. The adoption of the Dream Act on the federal level, and pending that, passage of its key provisions in New Jersey are critical.

The Dream Act would allow college age students who have lived most of their lives in the United States to get permanent legal status making them eligible to receive federal financial aid. New Jersey should allow these students to pay in-state tuition fees regardless of their immigration status. There are many undocumented children raised in

the United States who are effectively American. The higher tuition fees make gaining a college education difficult, if not impossible, and consign them to a life of underachievement and despair. Here again, state government need not wait for the federal government to act, but could authorize state colleges and universities to charge undocumented college age students in-state tuition rates.

It will take years to recover from years of federal neglect...A failure to act will deepen the social divisions that threaten to tear our country apart.

5. Reintroduction and passage of state legislation authorizing a driving privilege card for those who cannot verify their immigration status.

The card would allow hard-working immigrants to drive a vehicle, but could not be used for identification purposes nationwide. Such a measure would ensure that all drivers are knowledgeable of road safety rules, while allowing them to drive to work so they can continue to support their families. The immigrant work force helps to fuel the vibrant state economy and such a measure makes good economic sense as well.

6. The state system whereby workers file complaints for unpaid wages is a mockery of justice.

Workers frequently wait months, sometimes years, for a fair wage hearing. Often by the time hearings are held workers have relocated to other states or returned to their countries of origin. The hearings are held in Trenton so that workers with lack of access to an automobile find it difficult to travel across the state for the hearings, which are frequently postponed.

Did you know that...?

- 35.6 million of the U.S. population is foreign born – 1.7 million of those foreign born reside in New Jersey (American Community Survey, 2005)
- Nearly two-thirds of all immigrants resided in 6 states in 2000; New Jersey is the 5th most popular destination state for immigrants (Alejandro Portes & Rubén G. Rumbaut, *Immigrant America*, 2006)
- One half of the growth of the workforce 2002-2012 will be from Latinos. By 2012, the majority of NJ's workforce will be African American and Latino (NJ Department of Labor and Workforce Development)
- There are about 400,000 undocumented workers many in hospitality and construction occupations (NJ Department of Labor and Workforce Development)
- NJDOE reported that there have been significant increases in the number of Hispanic students enrolled in public schools, from 214,572 in 2001-02 to 253,487 in 2005-06. In 2005, Hispanic and Asian children comprised 25% of total enrollment
- Hispanic consumers spend \$700 billion a year, a figure that is expected to climb to \$1 trillion by the end of the decade (U.S. Hispanic Chamber of Commerce)

The system must be entirely overhauled and the panel calls on Governor Corzine, the State Legislature and the Commissioner of Labor to act immediately to remedy this situation. Hearings need to be held in a timely fashion and at locations across New Jersey.

7. The New Jersey Division of Consumer Affairs needs to establish a public education campaign aimed at informing immigrants about rip-off schemes targeting them.

Perhaps the best-known types of abuses deal with “notarios” (notary publics) claiming they can resolve legal immigration issues far beyond their level of expertise and well beyond what is permissible under current federal law. Some lawyers have, likewise, abused immigrants by charging them exorbitant fees when there is little that can be done on their behalf. Frequently, immigrants, acting out of desperation, pay thousands of dollars in fees for services that are routine in nature or offer no hope of

resolving their immigration status. Such fraud is likely to soar to record levels in the weeks leading up to federal immigration reform. This proposal has been discussed with Consumer Affairs and we await action.

The above recommendations are first steps in the right direction. It will take years to recover from years of federal neglect. The roundtable participants are in agreement on the need for comprehensive federal immigration reform that creates an earned path to citizenship for the hard working undocumented immigrants that have come to help us build our society, while at the same time building better lives for themselves and their families.

A failure to act will deepen the social divisions that threaten to tear our country apart. It is time to mend our broken immigration system. It is time to mend our frayed social fabric. It is time to treat our immigrant community with dignity.

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The Spanish translation of this report will be available in IACO's "La Guia del Inmigrante" and on www.hdanj.org.