



**TOWARD A  
21<sup>ST</sup> CENTURY  
CITY FOR ALL**

**PROGRESSIVE POLICIES FOR  
NEW YORK CITY IN 2013  
AND BEYOND**

# A Vision for a Stronger Immigrant New York

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The millions of immigrants who have come from all corners of the world contribute a great deal to making New York City so vibrant. Immigrants thrive here and show how diversity makes us stronger, as a city and as a nation. While New York City presents a stark contrast to states like Alabama or Arizona that have passed punitive anti-immigrant laws, we still have a long way to go. We can and should do much more to ensure equal access, rights, and opportunities for immigrants so that they can fully participate in our economy and in our city's civic and cultural life.

Many immigrants face a convergence of obstacles: lack of immigration status and constant fear of deportation and family separation resulting from it; inadequate English skills and low literacy rates in native languages; being subjected to racial/ethnic/religious profiling and discrimination; difficulty obtaining identity documents; unfamiliarity with various and complex public and private institutions like the education, health, or criminal justice systems or banks that define everyday life; and deep cultural differences. Any or all of these can result in poverty and/or social marginalization. The deep and long-term partnership between government and the diverse immigrant communities provides a foundation for addressing these barriers through equitable and innovative policies, practices, and programs.

These initiatives fall into three categories: **rights**, **access**, and **opportunity for full civic participation**.

## 1. Rights

Federal laws categorically exclude the many non-citizen immigrants from having the same rights as citizens, with the negative consequence of creating a two-tiered society and a category of second-class residents. However, states and localities can go a long way toward addressing the gaps and inequalities created by federal policy. New York has been a leader in municipal initiatives, such as Executive Order 41, passed in 2003, which ensures that all New Yorkers, regardless of immigration status, can access city services that they are entitled to receive and requires city workers to protect the confidentiality of a person's immigration status. New York must build on this legacy to ensure a safer, more prosperous city for all New Yorkers.

## The New York Police Department (NYPD)

Immigrants face unique challenges when interacting with law enforcement officials – immigrants arrested for minor infractions may face major life consequences such as deportation and separation from family. The risk of immigration consequences may also cause immigrants to fear cooperating with law enforcement officials as witnesses or victims of crime. For these reasons, New York City has tried to draw a bright line between local law and immigration enforcement. We are safer when we treat immigrants as partners in fighting crime, not as targets. Unfortunately, several recent federal programs have pushed NYPD officers into the role of immigration agents and unfairly targeted immigrant New Yorkers. For example, the Immigration and Custom Enforcement (ICE) Secure Communities Program (S-Comm) calls for a partnership among federal, state, and local law enforcement agencies, and thereby creating an atmosphere of distrust between them and immigrant communities. A 2009 national survey found that nearly one out of every ten Latino adults – native-born U.S. citizens (8 percent) and immigrants (10 percent) alike – had been stopped by police or other authorities have stopped them and asked them about their immigration status in the previous year, and that a majority of Latinos worry about deportation (Lopez and Minushkin 2008). Moreover, a 2010 survey of Muslim-Americans in New York City found that the procedural fairness of policing policies influenced the general cooperation of Muslim-Americans with police and their willingness to contact and alert law enforcement to terror threats (Tyler et al. 2010).

In addition, studies have shown that S-Comm and similar initiatives lead to racial profiling (Kohli et al. 2010). In response to such programs, the City Council passed a law last year limiting the Department of Corrections' cooperation with federal immigration authorities. That law is an important first step in establishing a firewall between local law enforcement and federal immigration enforcement but it applies in a narrow set of circumstances and fails to protect the rights of many immigrant New Yorkers who pose no risk to public safety. We need to ensure that programs like S-Comm do not undermine immigrant rights and the safety of our communities.

The controversial Stop-and-Frisk program, as discussed in the chapter by Jacobson and King, has a disproportionate effect on black and Latino New Yorkers, many of whom are immigrants – while failing to reduce the number of shooting victims or weapons on the streets (New York Civil Liberties Union 2013; Fagan 2012). Furthermore, over the past year, reports have surfaced detailing a troubling warrantless surveillance program operated by the NYPD Intelligence Division Demographics Unit. The Demographics Unit has established a human mapping program that covertly surveils Muslims and ethnic minorities in New York and the tri-state area. As part of this effort, the NYPD has reportedly engaged in repeated acts of religious, ethnic, and racial profiling (American Civil Liberties Union 2012). Consequently, a recent CUNY School of Law report has recently found that Muslim surveillance programs have had detrimental effects on religious life and expression and freedom of speech for Muslim communities (CLEAR Project 2013).

The future of a safer New York requires a commitment to refusing practices of racial profiling and much better reporting and transparency within the NYPD. The next administration should implement accountability measures such as formal oversight of the NYPD by an Inspector General or other measures to ensure that the NYPD is effective in protecting New Yorkers while respecting the right to

freedom of worship, free speech and free association of all New Yorkers – regardless of faith, race, and ethnic background.

## Identity Documents

Official identity documents are necessary for navigating life in New York City – they are required for everything from entering buildings and cashing checks to providing proof of identity to law enforcement officials. Many immigrants face significant barriers to obtaining government-issued identity documents and undocumented immigrants are summarily blocked from obtaining state-issued drivers' licenses and non-driver ID cards. New York should work to ensure that every New York City resident, regardless of immigration status, has access to identity documents that local businesses and government agencies will recognize. This could begin with working with NYPD and other city agencies to expand the list of documents they recognize to include additional documents such as foreign passports or consular IDs.

## Labor Rights

New York's immigrants are the backbone of our economy, representing 43 percent of the city's workforce (City of New York 2012). Despite their important role, lax enforcement can allow unscrupulous employers to deprive low-wage immigrant workers of rights such as fair wages and healthy workplace conditions (Annette Bernhard et al. 2009). New York must step up its protections for immigrant workers and work to create a safe and equitable labor market.

As a first step, New York City should adopt worker-friendly measures such as living wage laws to ensure a level playing field for all of the city's workers. In addition, New York should work to improve the working conditions of lowest-wage workers such as day laborers by building worker centers and conduct better trainings for workers, stronger enforcement of labor, health, and safety laws as well as taking other steps to enhance the safety of the work environment faced particularly for construction workers who suffer high incidence of death and injury on the job.

## 2. Access to Services

### Education

All New Yorkers should have equal access to educational opportunities to enable them to be college and career ready. Immigrant students confront special obstacles to academic success, often related to language. More than one in seven students in New York City schools is in the process of learning English and is classified as an English language learner (ELL) (New York City Department of Education 2012). For too long, the Department of Education has regarded students' lack of English language proficiency as a burden and a deficit to be remediated. English language learners are tested-in, "treated" with special services, and tested-out – often regardless of their capacity for rigorous academic work – in an effort to reclassify them as ready for the English-speaking mainstream. *True* proficiency in English is essential and must remain the standard of accomplishment. In addition, New York should take action to ensure educational opportunities for ELLs addressing the bilingual and ESL teacher shortage, increasing

ELL enrollment in programs, and holding charter schools accountable for increasing the number of ELL students served.

Furthermore, New York should recognize that immigrant parents play an important role in their children's education. The research offers consistent evidence that parental and family engagement as key to college and career readiness for all immigrant students, not just ELLs (Hill and Taylor 2004, 61-164). Parent involvement increases student attendance, improves attitudes about learning, and promotes higher achievement and graduation rates, yet parent engagement is often a challenge for immigrant families (Hill and Torres 2010, 5-112). In order to increase parent engagement, New York should expand the number and improve the quality of Community Schools, particularly in low-wealth and immigrant communities, and should increase funding for family engagement initiatives which offer information and assistance to immigrant parents on school-related matters and social services. New York should recognize and support the expansion of family engagement programs so that parents and communities can more effectively engage in their children's education.

Finally, the city must adopt a "multiple pathways" approach to graduation, post-secondary education, and careers, which recognizes career and technical education as viable options within an academically rigorous education system. As long as the multiple pathways approach is properly constructed and cognizant of the full range of students' competencies, such pathways can offer a meaningful road to American dream. If the single pathway to success in life continues to be defined as a four-year college diploma, New York will have missed an opportunity to redesign its education to meet today's reality.

## Health Care

Access to health care is critical for all New Yorkers. It is especially important for immigrant communities because they often work in jobs that lack health insurance benefits. Non-citizens throughout the country are three times more likely than citizens to lack insurance and are less likely to seek medical care (Holahan et al. 2008). Delays in seeking treatment are both concerning for their public health implications and for the increased cost it poses to the health care system (American College of Physicians 2011, 2). With the implementation of the Affordable Care Act in 2014, many more immigrants and other New Yorkers will have access to health insurance coverage. However, this increase in coverage will be accompanied by a shrinking pool of state and federal charity care funds that currently help offset medical costs for uninsured patients. The city's public hospitals, the Health and Hospitals Corporation (HHC), which bear the greatest burden of caring for the city's uninsured, will face the major responsibility for maintaining the city's safety net with even less resources. In order to keep New York healthy, the city will need to make a financial commitment to guaranteeing a strong HHC and public safety net as we move to a new era in our public health system.

## Financial Services

Access to financial services is crucial for full incorporation into the economy, yet many immigrants remain unbanked and with limited access to financial services. Immigrant New Yorkers frequently keep savings under the mattress, where their money is vulnerable to theft and does not benefit from interest-bearing accounts. The city should take proactive measures to extend financial services to immigrant New Yorkers by partnering with financial institutions and trusted community-based organizations to provide

financial literacy programming and help financial institutions design products to meet their needs, such as no-fee checking accounts, college savings accounts, or loans. Moreover, increasing access to financial services will encourage immigrants to become integrated into the city's overall financial system, thereby contributing to the New York's economic growth.

## Small Business

Immigrant entrepreneurs play an increasing role in the local economy, with foreign-born small business owners growing by 66 percent in the New York metropolitan area between 1990 and 2010 and immigrants representing 48 percent of all small business owners citywide (Fiscal Policy Institute 2012). But despite their important contributions to New York's economy, immigrant entrepreneurs face obstacles to full participation in New York's business environment. New York City should remove barriers for immigrant small business owners, who often have limited access to capital and struggle to navigate the city's bureaucracy. This could be achieved through targeted measures such as streamlining licensing and contracting protocols and helping immigrant entrepreneurs better access capital and the other resources needed to start companies.

## 3. Full Civic Engagement

Full civic engagement of immigrant New Yorkers makes the city stronger by ensuring that they have an active voice in the decisions that affect their lives. New York City should continue to devote resources to increasing new American participation in civic life by encouraging immigrants to become American citizens and educated voters and by providing language access to public services.

Specifically, NYC can play a part in each of these efforts:

### English as a Second Language (ESL) and Language Access

Over 1.8 million New York City residents over the age of five, or 23 percent of the population over five, have limited English proficient (LEP), meaning they need interpretation or translation services to communicate effectively (U.S. Census Bureau 2011). A little over half of that population speaks Spanish; the other half speak nearly 150 other languages and dialects (Ibid). Executive Order 120 (EO 120), set forth by Mayor Bloomberg in 2008, mandates that all city agencies providing direct public services ensure meaningful language access for their clients. EO 120 provides a framework for addressing the language access needs of its LEP residents. New York City should enforce compliance with EO 120 and expand upon its foundations through greater monitoring and oversight of the language access policies of city agencies to ensure that language does not act as a barrier to equal access for LEP New Yorkers.

The voting booth is a key site for ensuring language access. Currently, the Voting Rights Act (VRA) requires the Board of Elections to provide interpretation and voting materials in Spanish, Chinese, and Korean under the Voting Rights Act (VRA). In addition to compliance with this requirement, the board should voluntarily provide translation and interpretation in additional languages for immigrant communities that are often neglected when it comes to voter outreach and education. Actively enlisting the ethnic media is another strategy that has proven to increase immigrant voter engagement. New York

City should go beyond VRA requirements to add translation and materials designed to help new American voters for those who speak Russian, Arabic, Urdu, Bengali, and Kreole.

Language access for LEP New Yorkers should be coupled with funding for ESL classes for immigrants who want to learn English, but face barriers in accessing classes due to long waiting lists and insufficient seats in low-cost ESL classes.

## **Citizenship and Legal Services**

Almost one million legal permanent residents in New York State are eligible to become citizens (Rytina 2012). Lack of English skills, lack of access to affordable legal services and low-cost English classes, as well as other financial hardships, often deter these residents from becoming citizens. The city should partner with reputable citizenship legal services providers and community groups who provide civics and ESL classes, to invest in and launch a comprehensive Citizenship Initiative to help them become citizens. Moreover, legal services should include defense against deportation in order to put more people on the path to citizenship. Nationally, if the 8.5 million immigrants eligible to naturalize became citizens, the spending generated by their increase in wages would amount to an increase in the Gross Domestic Product (GDP) up to \$52 billion in the next ten years (Center for the Study of Immigrant Integration 2012). On a local level, New York City

## **Voter Registration**

New York City already requires city agencies to provide for voter registration. It should also encourage them to partner with community groups to increase their utilization of this opportunity.

## **Voter Education**

Through the Voter Assistance Commission (VAC) and other vehicles, New York City should form more robust partnerships with community groups to educate potential voters about their rights and access. Community groups continue to educate their members and allies on issues through events, trainings, conversations, and written materials. For example, in 2012, the NYIC coordinated a multi-ethnic, non-partisan civic participation campaign called Immigrants Vote! that conducted 74 trainings and organized 62 events, connecting with thousands of people. New York City could work with community groups to cohost events, support trainings, and create nonpartisan multi-lingual educational materials on city government, voter rights, and legislative participation.

In addition, New York City should support and expand the use of technology to inform voters about candidates and polling places, including translating all voting materials and websites into different languages. One good example of such an initiative to build upon is whosontheballot.org, which is currently translated into Spanish and Chinese.

## **Expanding Local Resident Civic Participation**

Finally, New York should promote other forms of civic engagement along with voting. For example, last year, New York City followed Chicago in becoming the second U.S. city to incorporate Participatory



Budgeting (PB) in city council budget proceedings. The New York City initiative became the most ambitious PB initiative to date in the United States, inviting community members into decisions about allocating millions of dollars for community-based capital projects. The PB process is open to all district residents, regardless of immigration status, thereby making it an innovative vehicle for greater immigrant civic engagement. Expanding PB and similar measures, such as non-citizen voting in local elections, will ensure that a greater percentage of immigrants can participate in New York's civic life.

## 4. National Immigration Reform

Finally, New York City should play a crucial leadership role in shaping the national debate about how to fix the immigration system. Currently, over 400,000 immigrants are deported every year according to the Department of Homeland Security; tens of thousands of parents are separated from their children; employers cannot hire workers they need; human rights violations continue at the border and detention centers; close family members wait for years to be reunited with their loved ones; students are prevented from going to college; and millions of immigrants are forced to live in the shadows. In addition to undermining family unity and human rights, our current national immigration policies deprive New York City of the talents and contributions of immigrant workers that can help our economy grow and prosper. Building on the shared understanding that immigration is good for *all* New Yorkers, New York City can serve as a model for the kind of bipartisan, multi-sector coalition that is needed for immigration reform and show how we can build consensus and respect among all stakeholders at the local level.

With federal immigration reform on the horizon, immigrant-rich cities like New York need to plan for implementation by providing a robust set of services for immigrant New Yorkers so that they are ready to take advantage of the new policies. For example, ESOL courses can help prepare immigrants for possible English language requirements and adult literacy courses, parent engagement and targeted immigrant education initiatives could help undocumented youth meet the education requirements of proposed legalization programs.

Current and past waves of anti-immigrant sentiments have been heavily impacted by influential local and state leaders. To balance out the Pete Wilsons, Jan Brewers, and Joe Arpaivos, we need the next mayor to be a pro-immigration reform voice who can speak with authority about the ways in which immigration strengthens our communities and economy.

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## References

- American Civil Liberties Union, 2012. "NYPD Testimony on Muslim Surveillance Operations Highlights Futility of Spying on Innocent People." Retrieved <http://www.aclu.org/national-security/nypd-testimony-muslim-surveillance-operation-highlights-futility-spying-innocent>.
- American College of Physicians, 2011. National Immigration Policy and Access to Health Care. Position Paper at [http://www.acponline.org/acp\\_policy/policies/natl\\_immigration\\_policy\\_access\\_healthcare\\_2011.pdf](http://www.acponline.org/acp_policy/policies/natl_immigration_policy_access_healthcare_2011.pdf) p. 2.
- Bernhard, Annette, et al. 2009. Broken Laws, Unprotected Workers, UCLA Institute for Research on Labor and Employment at <http://labor.ucla.edu/publications/reports/brokenlaws.pdf>.
- Center for the Study of Immigrant Integration, USC 2012. Citizen Gain: The Economic Benefits of Naturalization for Immigrants and the Economy. University of Southern California, December. at [http://csii.usc.edu/documents/citizen\\_gain\\_web.pdf](http://csii.usc.edu/documents/citizen_gain_web.pdf).
- City of New York, 2012. "One System for One City: The State of New York City's Workforce System, FY2011," at [http://www.nyc.gov/html/hra/downloads/pdf/resources/NYC\\_Workforce\\_System\\_Report\\_FY\\_2011.pdf](http://www.nyc.gov/html/hra/downloads/pdf/resources/NYC_Workforce_System_Report_FY_2011.pdf).
- CLEAR Project, 2013. "Mapping Muslims: NYPD Spying and its Impact on American Muslims," CUNY Law School at <http://www.law.cuny.edu/academics/clinics/immigration/clear/Mapping-Muslims.pdf>.
- Department of Homeland Security. Removal Statistics. Retrieved <http://www.ice.gov/removal-statistics/>
- Fagan, Jeffrey. 2012. "Second Supplemental Report" in Floyd v. New York City 08 Civ. 01034 (SAS) at <http://www.ccrjustice.org/files/FaganSecondSupplementalReport.pdf>.
- Fiscal Policy Institute. 2012. "Immigrant Small Business Owners: A Significant and Growing Part of the Economy," at <http://fiscalpolicy.org/immigrant-small-business-owners-a-significant-and-growing-part-of-the-economy>.
- Hill, N.E., and L.C. Taylor, L. C. 2004. "Parental School Involvement and Children's Academic Achievement." *Current Directions in Psychological Science*, 13(4), 61–164.
- Hill, N.E., and K. Torres. 2010. "Negotiating the American Dream: The Paradox of Aspirations and Achievement among Latino Students and Engagement between their Families and Schools." *Journal of Social Issues*, 66(1), 5–112.
- Holahan, D., A., Cook, and L. Powell, 2008. "New York's Eligible but Uninsured," United Hospital Fund.
- Kohli, Aarti, Peter L. Markowitz, and Lisa Chavez, 2010. "Secure Communities by the Numbers," Chief Justice Earl Warren Institute on Law and Social Policy, School of Law, University of California, Berkeley, Research Report at [http://www.law.berkeley.edu/files/Secure\\_Communities\\_by\\_the\\_Numbers.pdf](http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf).
- Lopez, Mark Hugo, and Susan Minushkin, 2008 National Survey of Latinos: Hispanics See Their Situation in U.S. Deteriorating; Oppose Key Immigration Enforcement Measures (Washington, DC: Pew Hispanic Center), <http://pewhispanic.org/reports/report.php?ReportID=93>.
- New York City Department of Education. "Demographics of ELLs 2010-2011," Spring 2011. Page 4. <http://schools.nyc.gov/NR/rdonlyres/3A4AEC4C-14BD-49C4-B2E6-8EDF5D873BE4/108227/DemoRpt0722.pdf>. Downloaded April 4, 2012
- New York Civil Liberties Union, 2013. "Analysis Finds Racial Disparities, Ineffectiveness in NYPD Stop-and-Frisk Program; Links Tactic to Soaring Marijuana Arrest Rate," (May 22) at <http://www.nyclu.org/news/analysis-finds-racial-disparities-ineffectiveness-nypd-stop-and-frisk-program-links-tactic-soar>
- Rytina, Nancy. Population Estimates. U.S. Department of Homeland Security. July 2012. [http://www.dhs.gov/xlibrary/assets/statistics/publications/ois\\_lpr\\_pe\\_2011.pdf](http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_lpr_pe_2011.pdf).
- Tyler, Tom, Stephen Schulhofer, and Aziz Z. Huq, 2010. "Legitimacy and Deterrence Effects in Counterterrorism Policing: A Study of Muslim Americans," *Law and Society Review* 44((2):365-402 [http://www.law.yale.edu/documents/pdf/Intellectual\\_Life/LTW-Tyler.pdf](http://www.law.yale.edu/documents/pdf/Intellectual_Life/LTW-Tyler.pdf).
- U.S. Census Bureau, 2011 American Community Survey <http://factfinder2.census.gov/faces/tableservices/j>.