This workshop was held at the 2018 Equal Justice Conference in San Diego, California.

Title:

Hidden Immigration Issues in the Trump Era & the Important Role of Pro Bono

Presenters:
Catherine Wagner Calderaro, Inner City Law Center, Los Angeles, CA
Katherine Carroll, New York City Commission on Human Rights, New York, NY
Susan Hoffman, Crowell & Moring, LLC, Washington, DC
Joseph A. Sullivan, Pepper Hamilton LLP, Philadelphia, PA

The panel will discuss strategies for pro bono work around immigration-related issues confronting clients in the Trump era that receive less media attention but greatly impact lives, including landlord harassment and discrimination; ICE sweeps of food banks, shelters, and courthouses; sexual assault and domestic violence; and fear of seeking legal services or applying for benefits even in sanctuary cities.
2017 YEAR END REVIEW

BILL DE BLASIO, Mayor
CARMELYN P. MALALIS, Commissioner/Chair
Commission staff and various media campaigns illustrate our cover.
2017
YEAR END REVIEW
New Yorkers have a responsibility to ensure that our city remains a beacon of hope, tolerance, and equality for the nation and for the world. My administration is working hard to fulfill this mission and make New York the fairest big city in America, where no one faces discrimination or injustice because of their gender, race, religion, sexual orientation, gender identity, or immigration status.

In a time when Federal policies are targeting some of our city’s most vulnerable communities, we must stand together to protect the progressive values that have always defined the five boroughs. For this reason, the work of the City Commission on Human Rights has never been more vital. By opposing discriminatory, biased, and hateful policies that target New Yorkers for who they are, what they believe, or who they love, CCHR works to protect our residents and sends a clear message to the world: we will not abandon our principles or be swayed by fear.

Every New Yorker should know that their city is a place where respect for diversity and for each other remains paramount in word and in deed. CCHR is an essential part of our city’s defense against attempts to erode our character. When immigrants are targeted, when LGBTQ people are excluded from serving their nation, or when women fight for safety and equality, the dedicated CCHR staff are there beside them, supporting their struggle for justice and championing their efforts.

In this report, you will learn more about the Commission’s unparalleled work to protect New Yorkers from discrimination, as well as ways that you can help New York City lead the way to a future of fairness and equality. I urge you to join us in this mission and help us ensure that the five boroughs always stand as an open and welcoming place for all people.

Bill de Blasio
Mayor
Message from the Commissioner

This report captures the Commission’s work at a time when many in the City and across the nation were orienting themselves to a new reality. Changes in federal leadership brought about dramatic shifts in policy for many of the communities and populations with which the Commission works. Hateful and divisive rhetoric that had grown increasingly common leading up to the presidential election in 2016 began to establish itself as a consistent feature of our public discourse.

With these changes, the Commission’s charter mandate—to foster stronger ties among New Yorkers and to enforce their rights under the New York City Human Rights Law (“City Human Rights Law”)—has been more important than ever. In 2017, through its outreach efforts, enforcement actions and policy initiatives, the Commission has strived to counter policy and rhetoric that is increasingly hostile toward people of color, immigrants, LGBTQ individuals, Jewish and Muslim Americans and others. Over the course of the year, the Commission’s Community Relations Bureau and Office of the Chairperson partnered with the Office of the Mayor, sister agencies and community-based organizations on multiple efforts to inform New Yorkers of their rights, Commission resources and other City services designed to assist them and their families. These included regular workshops, trainings and “Know Your Rights” sessions coordinated with the Mayor’s Office of Immigrant Affairs; “Protecting Our Muslim Communities,” a citywide Day of Action in February; and a similar citywide effort in September emphasizing that protections available under the City Human Rights Law extend to Dreamers and others regardless of their immigration status. Other actions responded to specific local developments, such as Queens-based outreach in June following reports of landlords threatening to contact federal immigration officials about immigrant tenants, and outreach and education efforts in Brooklyn’s Bedford-Stuyvesant neighborhood following allegations of race-based service refusals at an area cafe.

The Commission also brought its enforcement authority to bear. Recognizing the devastating impact of source of income discrimination on the City’s most vulnerable residents—many of them Black and Latinx—the Law Enforcement Bureau began the year by announcing it had filed complaints against five large landlords and brokerage firms alleged to have refused prospective tenants’ housing vouchers. It continued by filing enforcement actions against landlords believed to have retaliated against immigrant tenants and investigating allegations of tenant harassment at a Queens building whose lobby was covered with Nazi and Confederate imagery. In November, LEB announced charges against 12 national and local employers alleged to have discriminated against job applicants with criminal histories, a practice that has a particularly negative impact on Black and Latinx job applicants.

The Commission’s Office of the Chairperson (“OC”), which focuses on policy reform, marked several major accomplishments in 2017. The agency issued final rules to strengthen protections related to criminal history and credit history in the employment context. The OC provided crucial insight and advice throughout the legislative and implementation phases of new protections for veterans and active members of military services. The Commission also implemented a new provision in the City Human Rights Law, signed into law by Mayor de Blasio in May 2017, that prohibits employers from asking about an applicant’s salary history during the hiring process to mitigate the effects of any prior discriminatory pay practices, while allowing employers and job applicants to engage in salary negotiations focused on the applicant’s qualifications and requirements for the job. This new provision expanded upon Executive Order 21, signed by the Mayor in November 2016 to prohibit City agencies from inquiring about the salary history of job applicants.

The OC also spearheaded two exciting efforts designed to inform future policy. In late fall, the Commission conducted a survey of Muslim, Arab, South Asian, Jewish and Sikh New Yorkers to assess their experiences with discrimination since late 2016. And in December, the Commission convened its first public Citywide hearing on sexual harassment in over 40 years with special guest and former Commissioner.
and Chairperson, Congresswoman Eleanor Holmes Norton.

Importantly, the Commission’s Communications and Marketing team has also undertaken communications efforts that not only educate New Yorkers about protections available under the City Human Rights Law, but also emphasize the values of equity and inclusion. In the spring of 2017, for example, the Commission launched a multi-platform communications campaign, #YouHaveRightsNYC, affirming New Yorkers’ rights to live, work, and pray free from discrimination and harassment. Additionally, in the fall of 2017, the Commission conducted a digital marketing campaign on the new salary history ban in employment by targeting job seekers, recruiters and human resources professionals across Facebook, Twitter, Google, and popular online job sites. These efforts generated nearly 150,000 clicks to the salary history landing page on the Commission’s website, making it the most successful advertising campaign to generate web clicks in the agency’s history.

This is just a snapshot of the Commission’s work in 2017. The report that follows details these and other Commission initiatives. What unifies them is the agency’s commitment to anticipating and responding to the needs of New Yorkers by drawing upon existing relationships with communities and forging new connections, enhancing its capacity to investigate and prosecute reports of discrimination, and leveraging its own regulatory power while working with sister offices and agencies to deepen shared impact on behalf of all New Yorkers.

It has been my honor to spend time with you in your communities and to partner with many of you on advancing human rights here in New York City and providing hope in human rights nationally. We look forward to continuing those efforts with you in the years ahead.

Carmelyn P. Malalis
Chair and Commissioner
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LAW ENFORCEMENT BUREAU

The Law Enforcement Bureau (“LEB”) enforces the City Human Rights Law through its civil law enforcement efforts. Allegations of discrimination come to LEB for investigation in several ways. Members of the public may file a complaint with LEB about their own experience. A lawyer may file a complaint with LEB on a person’s behalf. Service providers, community organizations, members of faith communities, elected officials, or any other individual may bring specific incidents or potential patterns of discrimination to LEB’s attention, and LEB can initiate its own investigation.
LEB’s front-line staff of Human Rights Specialists fielded 9,772 inquiries from members of the public in 2017. These inquiries came in the form of phone calls, emails, letters and visits to the office. Human Rights Specialists assess each person’s situation and route them for pre-complaint intervention, further assessment by an attorney, complaint filing, and/or a referral to another City agency or community resource.

The chart below provides further information about these inquiries. Since many individuals alleged more than one jurisdiction and/or protected class, the total below (10,096) exceeds the number of inquiries serviced (9,772). Since 2015, the number of inquiries the agency receives annually has increased by nearly 85% (from 5,296 in 2015 to 9,772 in 2017). This increase is due in part to the Commission’s expanded outreach efforts targeting hard-to-reach communities in the five boroughs and informing them about the Commission as a venue to combat discrimination and harassment.
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</table>

* Includes Gender Identity and Gender Expression.
** Includes children that are, may be, or would be residing there.
*** The names of protected categories are shown here as they appear in the text of the law.
Inquiries by Members of the Public Who Speak a Language Other Than English

The Human Rights Specialists in LEB who are fielding inquiries from the public speak Spanish, French Creole, Arabic, Hindi, Urdu, and Nepali. In addition, staff members use Voiance to connect with an interpreter for other language needs. The chart below provides information about the languages, other than English, spoken by members of the public who made inquiries to LEB.\(^1\) In 2017, the staff fielded 888 such inquiries in 18 languages, an increase over 2016 (639 inquiries - 13 languages) and 2015 (473 inquiries - 11 languages).

| Limited English Proficiency Languages | 1 | 1 | 4 | 4 | 27 | 1 | 3 | 1 | 1 | 1 | 1 | 2 | 3 | 3 | 1 | 1 | 1 | 19 | 797 | 3 |
|---------------------------------------|---|---|---|---|----|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| American Sign Language                |   |   |   |   |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Arabic                                | 1 |   |   |   |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Bengali                               |   | 1 |   |   |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Chinese (Cantonese)                   |   |   | 4 |   |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Chinese (Mandarin)                   |   |   |   | 6 |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| French                                |   | 1 | 1 | 1 |    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Greek                                 |   |   |   |   | 3  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Haitian Creole                        |   |   |   |   | 1  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Hindi                                 |   |   |   |   | 1  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Japanese                              |   |   |   |   | 1  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Khmer                                 |   |   |   |   | 1  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Nepali                                |   |   |   |   | 1  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Persian                               |   |   |   |   | 1  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Polish                                |   |   |   |   | 1  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Portuguese                            |   |   |   |   | 1  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Russian                               |   |   |   |   | 1  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |

Successful Pre-Complaint Interventions

The Commission can intervene in appropriate situations before filing a complaint. In 2017, LEB resolved 47 cases without filing a complaint, an increase from 2016 (30 cases) and from 2015 (13 cases).

The chart below lists the jurisdictions and the protected classes involved in these successful interventions. Many interventions involved more than one protected class.

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<thead>
<tr>
<th>Age</th>
<th>Arrest Record</th>
<th>Conviction Record</th>
<th>Creed/Religion</th>
<th>Disability</th>
<th>Gender</th>
<th>Lawful Source of Income</th>
<th>National Origin</th>
<th>Pregnancy</th>
<th>Race</th>
<th>Relationship/Association</th>
<th>Retaliation</th>
<th>Sexual Orientation</th>
<th>Victims of Domestic Violence</th>
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Commission-Initiated Investigations

The Commission has the power to initiate its own investigations into entities suspected of maintaining or engaging in discriminatory policies or practices. In addition to testing, which is further described below, LEB uses a range of investigative methods in such cases, such as demands for documents and interviews of key witnesses.

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\(^1\) Members of the public who speak languages other than English also contact the agency through our Community Relations Bureau. Across the agency, Commission staff speak more than 35 languages and use Voiance (City’s preferred translation service) when necessary.
LEB launched 450 Commission-initiated investigations in 2017, an increase from 2016 in which LEB initiated 426 such investigations. The chart below provides a breakdown of the Commission-initiated investigations according to the jurisdiction and protected class of the alleged violations. Most investigations involve more than one protected class. Five additional cases involve investigations into violations in both housing and public accommodations:

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<td>• Creed 1</td>
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<td>• Conviction Record 193</td>
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<td>• Credit History 10</td>
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<td>Public Accommodations</td>
<td>• Creed/Religion 1</td>
</tr>
<tr>
<td></td>
<td>• Disability 13</td>
</tr>
<tr>
<td></td>
<td>• Gender 7</td>
</tr>
<tr>
<td></td>
<td>• Race 2</td>
</tr>
<tr>
<td>Violation of a Conciliation Agreement</td>
<td>• N/A 1</td>
</tr>
</tbody>
</table>

2 Most reports of discriminatory harassment are routed to the bias response team of the agency's Community Relations Bureau for a community level response, particularly if the perpetrator cannot be identified.
Some Commission-initiated investigations lead to the filing of a Commission-initiated complaint alleging a pattern or practice violation. LEB filed 37 Commission-initiated complaints in 2017. While this number is lower than in 2016, in which 54 Commission-initiated complaints were filed, this year LEB resolved far more Commission-initiated cases at early stages without the need for filing a complaint. Of the 47 cases resolved through pre-complaint intervention in 2017 mentioned earlier, 27 were the result of Commission-initiated investigations, up from six such cases in 2016.

The chart below lists the number of Commission-initiated complaints according to the jurisdiction and protected class of the alleged violation. Most complaints allege more than one protected class. One case alleges violations in both housing and public accommodations:

<table>
<thead>
<tr>
<th>JURISDICTION</th>
<th>PROTECTED CLASSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>23 Arrest Record</td>
</tr>
<tr>
<td></td>
<td>23 Conviction Record</td>
</tr>
<tr>
<td></td>
<td>2 Credit History</td>
</tr>
<tr>
<td></td>
<td>1 Creed/Religion</td>
</tr>
<tr>
<td></td>
<td>1 Gender</td>
</tr>
<tr>
<td></td>
<td>21 National Origin</td>
</tr>
<tr>
<td></td>
<td>21 Race</td>
</tr>
<tr>
<td>Housing</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>2 Alienage Status</td>
</tr>
<tr>
<td></td>
<td>1 Citizenship Status</td>
</tr>
<tr>
<td></td>
<td>1 Disability</td>
</tr>
<tr>
<td></td>
<td>5 Gender</td>
</tr>
<tr>
<td></td>
<td>2 Lawful Source of Income</td>
</tr>
<tr>
<td></td>
<td>1 National Origin</td>
</tr>
<tr>
<td></td>
<td>1 Race</td>
</tr>
<tr>
<td>Public Accommodations</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>1 Disability</td>
</tr>
<tr>
<td></td>
<td>2 Gender</td>
</tr>
<tr>
<td>Violation of a Conciliation Agreement</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>1 N/A</td>
</tr>
</tbody>
</table>

Testing

LEB uses testing as an investigative tool to confirm whether there is discrimination in housing, employment, and public accommodations. As part of an investigation, LEB conducts tests of potential employers, landlords/real estate brokers, restaurants, hospitals, stores, or other public accommodations to see if our testers are treated differently or are given different information because they belong to a protected class.
In 2017, LEB testers performed 577 tests across the following protected categories, an increase over 2016, in which 557 tests were performed:

Complaints Filed in 2017

LEB filed complaints in 747 cases in 2017 alleging a range of discriminatory practices. Fifty percent (50%) of those cases were in employment and thirty-five percent (35%) were in housing. Disability-related claims were the most common at twenty percent (20%) of claims. Race discrimination was the next most common claim at sixteen percent (16%) of claims with gender following at thirteen percent (13%) and national origin at ten percent (10%).

The types of discrimination claims filed with and by the Commission during 2017 can be found below – first, the number of complaints filed in each jurisdiction, and second, the number of claims in each protected class. Most complaints allege more than one violation, sometimes under more than one jurisdiction and, more commonly, under more than one protected class. Complaints filed by members of the public and Commission-initiated complaints are included; therefore, the charts below overlap with the Commission-initiated investigations and complaints charts above.

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3 LEB began testing for questions related to salary history (after the law became effective October 31, 2017), along with ongoing conviction and arrest record tests, since both tests involve reviewing job applications for illegal inquiries.
Claims by Protected Class

The graphic shows only categories with 1 or more cases.

Employment

<table>
<thead>
<tr>
<th>Category</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>Criminal History</td>
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<td>Creed/Religion</td>
<td>5</td>
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<tr>
<td>Disability</td>
<td>19</td>
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<td>Gender</td>
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<tr>
<td>Interference with Protected Rights</td>
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<tr>
<td>Marital Status</td>
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<tr>
<td>National Origin</td>
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<tr>
<td>Pregnancy</td>
<td>19</td>
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<tr>
<td>Race</td>
<td>108</td>
</tr>
<tr>
<td>Relationship/Association</td>
<td>3</td>
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<td>Sexual Orientation</td>
<td>68</td>
</tr>
<tr>
<td>Victim of Domestic Violence/Sex Offense/Stalking</td>
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Housing

<table>
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<tr>
<th>Category</th>
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<tbody>
<tr>
<td>Age</td>
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<tr>
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<td>Color</td>
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<td>Creed/Religion</td>
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<td>Gender</td>
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<td>Lawful Source of Income</td>
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<td>National Origin</td>
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<tr>
<td>Pregnancy</td>
<td>85</td>
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<tr>
<td>Relationship/Association</td>
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<tr>
<td>Race</td>
<td>12</td>
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<tr>
<td>Sexual Orientation</td>
<td>103</td>
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<tr>
<td>Victim of domestic violence/Sex Offense/Stalking</td>
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Public Accommodations

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<tbody>
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<td>Color</td>
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<tr>
<td>Creed/Religion</td>
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<tr>
<td>Disability</td>
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<td>Gender</td>
<td>20</td>
</tr>
<tr>
<td>Interference with Protected Rights</td>
<td>1</td>
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<tr>
<td>Lawful Source of Income</td>
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<tr>
<td>Marital Status</td>
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<td>National Origin</td>
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<td>Relationship/Association</td>
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<tr>
<td>Sexual Orientation</td>
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<tr>
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Discriminatory Harassment

<table>
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<tbody>
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<tr>
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<td>Color</td>
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<td>Creed/Religion</td>
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<td>Disability</td>
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<td>Gender</td>
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<td>National Origin</td>
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<td>Sexual Orientation</td>
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</table>

Violation of a Conciliation Agreement

<table>
<thead>
<tr>
<th>Category</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

Bias-Based Profiling by Law Enforcement

<table>
<thead>
<tr>
<th>Category</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>1</td>
</tr>
</tbody>
</table>
Determinations and Resolutions in Cases with Filed Complaints

LEB issued determinations and/or obtained settlements in 609 filed cases in 2017, up significantly from previous years (436 in 2016 and 354 in 2015). The outcomes fall into the following categories:

- Probable Cause determinations;
- No Probable Cause determinations;
- administrative closures; and
- settlements.

When LEB has done a full investigation, a determination of either Probable Cause or No Probable Cause is issued. In making this evaluation, LEB uses the following standard: whether probable cause exists to credit the allegations of a complaint that an unlawful discriminatory practice has been or is being committed by a respondent where a reasonable person, looking at the evidence, could reach the conclusion that it is more likely than not that the unlawful discriminatory practice was committed.

LEB also commonly seeks to negotiate a settlement. In such cases, the parties and the Commission enter into a conciliation agreement, which is an enforceable Commission order. Some cases also resolve through a private settlement agreement and then a withdrawal of the case; the monetary recovery in those cases is included here. Finally, cases resolved through the Commission’s Office of Mediation and Conflict Resolution are also included in these totals.

LEB issues an administrative closure in many cases, most commonly where LEB determines that continuing the investigation is not in the public interest because it is unlikely to lead to a determination of probable cause that a discriminatory practice occurred. Notably, administrative closure preserves a complainant’s right to bring the same claim in another forum.

Finally, some complainants request to withdraw their cases because they have decided not to pursue the matter.

Note that several cases had both a determination of Probable Cause and then a successful settlement in the same reporting period of 2017. The average time to resolve these cases was 581 days,
a slight increase from 2016 when the average time to resolve a case was 536 days. This year’s average time reflects the fact that the Commission continued to see an increase in reporting from the public for the second year in a row. At the same time, the LEB continued its approach of conducting in-depth investigations into discrimination to ensure entities were fully complying with the City Human Rights Law, spending more time reviewing policies and interviewing witnesses and victims to determine whether there were additional violations.

**Damages Awards and Civil Penalties**

In 2017, the Commission ordered the payment of $2,666,695 in combined civil penalties and compensatory damages, up significantly from previous years ($1,452,136 in 2016 and $1,351,984 in 2015). In 2017, 93 cases involved an award of compensatory damages ($2,287,445) and 26 cases had a civil penalty ($379,250). Twenty cases had both. The average compensatory award was $24,596.18 and the average civil penalty was $14,586.54. The amounts ordered come from cases resolved through conciliation agreements, cases settled through mediation and private agreements, and final Commission Decisions and Orders.
The Office of the Chairperson (OC) is responsible for directing the management of the agency; convening the members of the Commission; setting the general policy direction for the agency; addressing intergovernmental affairs; engaging with other City agencies on human rights-related issues; responding to inquiries from the public regarding the Commission’s work; developing, reviewing, and negotiating legislation; promulgating legal enforcement guidance and rules; drafting and submitting comments to state and federal agencies during their rulemaking processes; and identifying new opportunities to advance the Commission’s mission. In addition, the OC has a significant adjudicatory role to play in the law enforcement process, including issuing Decisions and Orders in cases filed at the Law Enforcement Bureau.
New Rules to Strengthen Employment Protections

The Commission strengthened employment protections under the City Human Rights Law this year by issuing new rules on the Fair Chance Act, which requires employers to consider an applicant’s qualifications and extend a conditional offer of employment before inquiring into their criminal history. The Commission also issued new rules on the Stop Credit Discrimination in Employment Act, signed into law by Mayor de Blasio in May 2015, which prohibits consideration of an applicant’s credit history for most jobs in New York City.

The Commission’s new rules strengthen employment protections by highlighting the narrow construction of exemptions in the law and reinforcing the broad reach of each protection. The rules, which went into effect on December 24, 2017, are the first substantive rulemaking by the Commission on Human Rights in decades.

New Legal Protections for New Yorkers

Two new protections were added to the City Human Rights Law in 2017, including:

Uniformed Services

As of November 19, 2017, the City Human Rights Law protects current and former members of the military against discrimination in employment, housing, and public accommodations. In partnership with the Department for Veterans’ Services, the Commission published educational materials to inform the public about the new protections and provide guidance about preexisting protections that frequently impact veterans, including protections based on disability and lawful source of income.

Salary History

As of October 31, 2017, the City Human Rights Law prohibits employers from asking job applicants about their salary history during the hiring process. The Commission issued guidance on the salary history protections, including an FAQ and materials advising applicants and employers of their respective rights and obligations under the new provision of the law. The Commission convened a roundtable with employers, participated in panel discussions and Continuing Legal Education presentations, and met with hundreds of employment lawyers to help educate the City’s business communities about the law’s new salary history protections.
Decisions and Orders

The Commission published seven Decisions and Orders in 2017, which are viewable on the agency’s website. Below are a few examples.

- The respondents in Commission on Human Rights ex rel. Martinez v. Musso were held liable for gender discrimination and retaliation after the individual respondent fired the complainant for protesting his sexual harassment. The complainant was awarded $38,448, comprising $22,277 in back pay, $4,170 in pre-determination interest, and $12,000 in emotional distress damages. The Commission also imposed a fine of $18,000 and required the respondents to undergo training and post a notice of rights at their worksites.

- In Commission on Human Rights ex rel. Agosto v. American Construction Associates, the respondents turned away a prospective renter who attempted to cover her rental security with a government-issued security voucher. The Commission held that respondents discriminated against the complainant based on her lawful source of income, causing her to be street homeless for a period of approximately two months. The Commission awarded the complainant $13,000 in emotional distress damages and imposed a civil penalty of $20,000. Respondents were also ordered to undergo training and to post a notice of rights at their building.

- In Commission on Human Rights ex rel. Blue v. Jovic, the respondent landlord refused for three years to provide a bathtub necessary for a child with a disability. The landlord also engaged in a campaign of harassment against the child and her mother by making false complaints to the police and fire department and by filing an unwarranted eviction proceeding against them. The Commission awarded $45,000 in emotional distress damages to the child and $50,000 to the child’s mother, and imposed a $60,000 penalty, which could be discounted to $10,000 if the respondent made the ordered reasonable accommodation on time. Respondent was also ordered to undergo training and to post a notice of rights at the building.

Commission Convened Historic Hearing on Sexual Harassment in the Workplace

On December 6, 2017, the Commission convened a public hearing to address sexual harassment in the workplace. This was the first such hearing since the Commission held the country’s first public hearings on sexual harassment in the workplace over forty years ago.

The Commission heard from activists and workers from a wide range of industries, including construction, fashion, media, domestic work, tech, finance, hospitality, and others, about their experiences with sexual harassment in the workplace and the challenges they face in reporting it and obtaining justice.
Those testifying represented some of New York City’s most vulnerable workers, including women in male-dominated industries, women of color, immigrant workers, and LGBTQ workers.

The Commission is reviewing all submitted written and oral testimony and will issue a report in 2018 with key findings and policy recommendations to better address and combat sexual harassment in the workplace.

**Commission Surveyed Muslim, Arab, South Asian, Jewish, and Sikh New Yorkers**

The Commission launched a survey in late 2017 to collect data from Muslim, Arab, South Asian, Jewish, and Sikh communities across the City about their experiences with discrimination, bias, and bias-motivated harassment and violence. Reports of hate- and bias-based attacks against these groups have risen nationally, as xenophobic, Islamophobic, and anti-Semitic rhetoric continue to permeate the national dialogue.

More than 3,000 New Yorkers completed the survey, which was available in Arabic, Bengali, English, French, Hindi, Punjabi, Russian, Urdu, and Yiddish, among other languages.

The Commission will publish a final report on its findings in 2018 with the aim of informing the Commission and other City agencies about how to better address and combat bias-motivated harassment, discrimination, and violence against Muslim, Arab, South Asian, Jewish, and Sikh communities in New York City.
The Office of Mediation and Conflict Resolution ("OMCR") provides parties with mediation services at no cost.
Office of Mediation and Conflict Resolution

The Commission transformed its Office of Mediation and Conflict Resolution ("OMCR") in 2017. OMCR provides parties with mediation services at no cost.

OMCR developed and implemented a new voluntary mediation program in early 2017 providing a neutral and empowering process for all parties to facilitate a quick, efficient and mutually acceptable resolution of claims. The new program allows OMCR to assist in facilitating resolutions at various stages of the process, including pre-investigation, mid-investigation, conciliation and/or after a finding of Probable Cause.

During 2017, the OMCR director successfully mediated 11 cases to resolution. The resolved cases represent, in the aggregate, values totaling $333,715.12, excluding non-economic terms such as agreements to provide reference letters and conduct trainings.
COMMUNITY RELATIONS BUREAU

The Community Relations Bureau ("CRB") promotes understanding and respect among New Yorkers. Its five borough-based Community Service Centers provide resources to help New Yorkers understand their rights and obligations under the City Human Rights Law.
Our Impact

The Commission continued to educate New Yorkers about their rights under the City Human Rights Law through public outreach efforts, including grassroots outreach, events, and the distribution of Commission literature. Through outreach and service, the Commission delivers technical assistance to individuals with questions about the City Human Rights Law.

Bias Response Team Takes Action

The Commission’s newly formed Bias Response Team responded to 86 bias incidents in 2017, primarily arising from incidents of discrimination based on perceived gender identity and religion. Responses included contacting victims to inform them of their rights, providing instructions on how to file complaints, and engaging in community-based actions, including literature drops, events, and days of action. Examples of incidents the team responded to include:

- The team worked with elected officials and several City agencies to respond to tenant harassment at a Queens condominium.
- The team conducted workshops for the Bronx’s Community Board 7 in response to incidents of anti-Semitic slurs at the New Jewish Home to provide education to community members regarding their rights under the City Human Rights Law, and to connect them to the Commission’s resources.
- The team provided Know Your Rights training to attendees of the Beit-ul-Maqdis Islamic Center of Bay Ridge, Brooklyn after the Center was vandalized. This outreach was conducted to support the community and to supplement the investigation undertaken by criminal law enforcement officials.
Fighting for Fairer Housing for All New Yorkers

The Commission continued to educate housing providers and community groups on their rights and responsibilities, offering 263 fair housing workshops and presentations to 2,709 attendees, and providing technical assistance to 1,350 people as part of the Citywide Task Force in Housing Court, as well as through tenant organization meetings.

The Commission also hosted its fifth annual Fair Housing Symposium, which this year was held at Hostos College in the Bronx. The symposium provided Know Your Rights workshops to over 200 tenants, advocates, service providers, attorneys, and tenant organizations with a special focus on combating lawful source of income discrimination. Commission attorneys were also on site to take housing complaints from attendees.

A Focus on Racial Justice

In May, following the brutal assault of an immigrant street vendor from Burkina Faso in the South Bronx, the Commission hosted its first forum for African immigrant communities at the Metropolitan College of New York in the Bronx. The forum was an opportunity to inform people about their rights under the City Human Rights Law. More than 20 community-based organizations and City agencies were on hand to provide information on government resources and legal protections for African immigrants.

The Commission also hosted a series of events focused on racial justice. These included a panel discussion on the impact of gentrification in Bedford-Stuyvesant, a mobile legal services clinic at a neighborhood church in Bedford-Stuyvesant, and a community response effort that included providing Know Your Rights information and legal screenings to Brooklyn community members following reports of racial discrimination in a local restaurant.
Empowering Immigrant Communities

To celebrate Hispanic Heritage Month, the Commission held a town hall and resource fair in Washington Heights co-sponsored by major Spanish-language media outlets and several elected officials. The event was an opportunity to educate communities about their rights under the City Human Rights Law related to discrimination based on immigration status and national origin, and to provide resources focused on economic empowerment.

The Commission also co-hosted a summit for Latinx and Black schoolgirls with the Office of the Bronx Borough President and Councilmember Vanessa Gibson. Held in the South Bronx, the summit was an opportunity to educate girls and young women about their rights under the City Human Rights Law.

Making New York City More Accessible

The Commission continued its work on behalf of people with disabilities through Project Equal Access, which identifies barriers to accessibility in housing, workspaces, and public accommodations, and resolves them prior to intervention by the Commission’s Law Enforcement Bureau. Individuals, housing providers, disability rights organizations, and social service providers have praised this innovative program in which Commission staff regularly conduct workshops and engage in collaborative discussions with relevant parties to address accessibility issues and encourage quick resolutions.

In 2017, Project Equal Access successfully negotiated 216 modifications across the City, including accessibility improvements like the addition of ramps and automatic door openers in restaurants and apartment buildings, the creation of accessible supermarket checkout lanes, and the addition of lifts in medical facilities.
Working with Incarcerated and Formerly Incarcerated Individuals

The Commission continued its work educating incarcerated and formerly incarcerated individuals about their rights under the Fair Chance Act, which protects individuals from discrimination in employment based on their criminal history. In 2017, CRB conducted 305 outreach and educational activities for 9,169 individuals, while providing technical assistance to 918 people about the Fair Chance Act.

Outreach efforts included workshops on the Fair Chance Act with the New York State Department of Corrections and Community Services and the New York City Department of Probation at office sites where probation clients report monthly. Presentations on the Fair Chance Act were also conducted for clients of Workforce1, via the New York City Department of Small Business Services, before they went to job interviews. The Commission also presented workshops on the Fair Chance Act at the Manhattan Detention Complex, the Brooklyn Detention Complex, and the Vernon C. Bain Center in the Bronx.

Supporting LGBTQ Youth

The Commission built upon its longstanding work with LGBTQ communities by joining First Lady Chirlane McCray's NYC Unity Project – the City's first-ever multi-agency strategy to deliver services to LGBTQ youth. This bold commitment unites 16 City agencies to offer new and enhanced programs and support to ensure every LGBTQ young person in NYC is safe, supported, and healthy. The Commission, alongside the Department of Health and Mental Hygiene and the Mayor's Center for Faith and Community Partnerships, spearheaded the Unity Project's work with faith communities.

Through the Unity Project, the Commission was tasked with the specific role of galvanizing houses of worship that affirm LGBTQ youth and serve as safe spaces. The culmination of this work led to the
launch of the Unity Project Faith Network – a group of LGBTQ affirming faith leaders, houses of worship, and community-based organizations that are committed to providing resources for leaders and houses of worship that seek to be more affirming.

The Commission also hosted open houses for LGBTQ youth in Brooklyn, the Bronx, Queens, and Staten Island in collaboration with the Brooklyn Pride Center, Destination Tomorrow, the Caribbean Equality Project, and the Staten Island Pride Center. The open houses celebrated National Coming Out Day and provided resources to LGBTQ youth regarding their rights under the City Human Rights Law.

CRB also continued its work with local schools by collaborating with several Gender and Sexuality Alliances (GSAs) across the City to raise awareness about bias-based harassment in LGBTQ youth communities.

**Partnering with Faith Communities**

The Commission continued to unite and engage faith communities across the City to celebrate diversity and inform faith-based communities about their rights against religious discrimination and harassment.

The Commission held its Second Annual Iftar in the City, this year in Brooklyn Heights, to celebrate Ramadan. The iftar convened over 500 New Yorkers from different faiths.

The Commission partnered with community leaders, religious officials, and community-based organizations to host an interfaith Seder at Congregation Beit Simchat Torah. The Seder was co-sponsored by Jews for Racial and Economic Justice, The Interfaith Center of New York, the Islamic Center at New York University, Union Theological Seminary, New York Divinity School, and Centro Altagracia de Fe y Justicia.

The Commission organized an interfaith forum at JCC Harlem that brought together Christian, Jewish, and Muslim community leaders to discuss the intersection of race, ethnicity, and faith in the face of Harlem’s gentrification.

The Commission co-hosted the first ever interfaith Diwali celebration with the Bronx’s diverse South Asian and Indo-Caribbean communities. The event was held at the Sonia Sotomayor Center in partnership with the Vishnu Mandir, a local Hindu temple. Faith and community leaders from Hindu, Sikh, Jain and Buddhist communities came together to deliver a message of peace and unity. Over 300 community members attended, and State Assemblymember Luis R. Sepúlveda gave remarks.
OFFICE OF COMMUNICATIONS AND MARKETING

The Office of Communications and Marketing communicates the City Human Rights Law’s protected areas and categories and the Commission’s policies, positions, goals, law enforcement actions, and community outreach efforts to New Yorkers in all five boroughs using a variety of platforms including press, publications, digital and social media and citywide media campaigns.
Increased News Media Attention

The Commission’s Communications team significantly increased media attention to the Commission’s enforcement efforts, community engagement, public campaigns, and expansion of the City Human Rights Law. With more than 700 earned media hits (publicity gained through promotional efforts other than paid media advertising) across print, online, TV, and radio, the Commission nearly doubled its press coverage from 2016. At the same time, the Communications team continued to prioritize reaching vulnerable New Yorkers, with nearly half of all press hits in 2017 (358) in ethnic and community media, ensuring that all communities in New York City, regardless of language, religion, or national origin, understand their rights.

Below are a few media stories to illustrate this performance:

Educating Immigrant, Religious, and At-Risk Communities Through the Media

New York City Has a New Campaign To Fight Discrimination in the Trump Era
(Buzzfeed, May 2017)

“People feel more empowered to be more explicit in their discrimination,” [Commissioner] Malalis said, adding that the Commission has conducted focus groups and done interviews with scores involved in the incidents. “The last election cycle validated their hate or anger toward certain groups ...”

When Your Commute Includes Hearing ‘You Don’t Belong in This Country’

“The New York City Commission on Human Rights was concerned enough about post-election incidents on subways that it organized an outreach day in December, with handouts on religious discrimination and reporting harassment distributed at eight subway stations.”

Expanding Ethnic and Community Media Appearances

Educating Domestic Employees About Their Labor Rights
(NY1 Noticias, June 2017)

“The municipal government organized a day to help domestic employees to know their rights and improve their safety in the workplace. Our reporter Piter Ortega was in Queens and has more details about this initiative.”

Commissioner Malalis Talks About Fighting Discrimination in NYC
(Hot 97’s Ebro in the Morning, April 2017)

“Commissioner Carmelyn P. Malalis stops by Hot 97’s Ebro in the Morning to talk about protections under the NYC Human Rights Law, including criminal history protections, racial discrimination, sexual harassment, religious discrimination, as well as available trainings and workshops.”

Reinforcing the Commission as a Venue for Justice

City Amps Up Fight Against Landlords Who Refuse Housing Vouchers
(WNYC, January 2017)

“Carmelyn Malalis, head of the Commission on Human Rights, said the City has increased the number of investigations and complaints about discrimination based on income. ‘We wanted to make sure that we were looking at specifically larger housing providers that had the ability to limit people because of just the sheer number of units that they had some sort of control over,’ she said.”
City Promises Crackdown on Landlords Who Discriminate Based on Immigration Status
(NY1, June 2017)

“City leaders are promising a crackdown on landlords who discriminate against tenants based on immigration status. It comes after officials say they’ve seen a recent uptick in complaints. NY1’s Gene Apodaca filed the following report.”

Highlighting Enforcement Efforts and Settlements

Delta Settles with Flight Attendant Who Says She Had Nowhere to Pump Breast Milk
(Fortune, April 2017)

“A flight attendant for regional airline Endeavor Air, which most travelers know as Delta Connection, filed a discrimination complaint with the New York City Commission on Human Rights in February 2016. She alleged the company, which is wholly owned by Delta Air Lines, violated a City Human Rights Law when it failed to provide her a private space to pump breast milk close to her work site. Now this case has been settled—which is meaningful because it puts a dollar amount on the emotional damages a woman can claim when her employer doesn’t accommodate pumping on the job.”

Campaigns and Digital Marketing Reaching New Yorkers Citywide

NYC Responds to Rise of Bias Incidents with #YouHaveRightsNYC Campaign

In June 2017, the Commission launched a citywide anti-discrimination campaign, “You DO Have the Right NYC,” to affirm every New Yorker’s right to live, work, and pray free from discrimination and harassment.

The campaign, which was accompanied by the hashtag #YouHaveRightsNYC, served as a unique opportunity for the Commission to brand itself through a flagship campaign and establish itself as a venue for justice for three target audiences: New Yorkers of faith, people of color, and immigrants. These target audiences were selected based on data from complaints and bias-based incidents occurring across the City.
Marketing Efforts Highlight Population-Specific Protections

The Commission further ensured that its public education programs were relevant and applicable to its target audiences by creating specific campaigns, materials, and outreach strategies tailored to specific audience segments. Samples of these marketing efforts are described below.
#WomenInNYC

After the first Women’s March and to promote a specific panel discussion event to empower women, the Commission released two resources: a fact sheet on harassment and a brochure on protections for women under the City Human Rights Law. The Commission also launched a digital advertising campaign to support the distribution of the new materials. The #NYCForWomen campaign page was visited more than 45,000 times in 2017, making it the third most popular page on the Commission’s website.

##Discrimination Survey Project

This past October, the Commission conducted a citywide survey of Muslim, Arab, South Asian, Jewish and Sikh communities to understand how discrimination impacts these communities. The Commission executed an advertising campaign on Facebook in support of the survey. The campaign ran for four weeks and directed members of the Muslim, Arab, South Asian, Jewish and Sikh communities to the survey portal, helping to support the survey’s data collection efforts.

##Marketing Investment in Ethnic and Community Media

The Commission continued its investment in New York City’s rich ethnic and community media outlets, which serve the City’s most vulnerable communities. Through these outlets, the Commission provided essential information to our City’s most vulnerable and hard-to-reach communities. In 2017, 100% of radio and print advertising was either in community or ethnic media. The Commission produced advertisements for ethnic media and social media in various languages, including Arabic, Spanish, Chinese, Korean, and Urdu.

##Launching a New Monthly Newsletter

To expand its marketing strategy to ensure more New Yorkers know their rights, the Commission launched its first-ever monthly newsletter, which provides updates on the agency and its efforts to combat discrimination. The newsletter has gained an average of 100 new subscribers since its launched in September 2017.

##Agency Website and Social Media Improved to Best Serve Our Most Vulnerable Communities

Since its redesign in 2016, the Commission’s website has been improving its user experience, especially for New Yorkers who speak a language other than English and New Yorkers with disabilities.

In 2017, the Commission’s website color and layout was updated to meet new standards of accessibility for people with disabilities. Additionally, the Commission expanded offerings on its website for New Yorkers who speak a language other than English by including literature in Spanish, Arabic, Urdu, Haitian Creole, Korean, Chinese, Russian, French, and Polish.

The website’s page views increased to 810,000 from 709,000 in 2016. Additionally, the website’s visits increased to 390,000 from 332,000 in 2016.

The Commission increased content on social media in languages other than English. The Commission also ensured that images were accessible to people with disabilities by adding alternative text to social media posts. The Commission also increased the size of its Facebook following by 76% and its Twitter following by 60% compared to the prior year.
In 2017, the Commission’s website had a significant increase across all indicators as compared to 2016.
Twitter

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>TWITTER AVG. IMPRESSIONS</td>
<td>626,000</td>
<td>547,000</td>
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<tr>
<td>15% Increase</td>
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FOLLOWERS

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<thead>
<tr>
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<th>2017</th>
<th>2016</th>
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<tbody>
<tr>
<td>FOLLOWERS</td>
<td>7,700</td>
<td>4,800</td>
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<td>60% Increase</td>
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Instagram

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<thead>
<tr>
<th></th>
<th>2017</th>
<th>2016</th>
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</thead>
<tbody>
<tr>
<td>INSTAGRAM FOLLOWERS</td>
<td>1,800</td>
<td>960</td>
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<tr>
<td>88% Increase</td>
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</table>

15% Increase:

Twitter average impressions increased by 15% from 2016 to 2017.

60% Increase:

Follower count increased by 60% from 2016 to 2017.

88% Increase:

Instagram followers increased by 88% from 2016 to 2017.
Data and Market Research Influence New Branding and Visual Graphics Strategy

In 2017, an identifying brand was created for each main Commission initiative to make special events and campaigns as impactful as possible. These new brands are based on findings from focus groups and research. The new brands have been applied to all Commission publications, correspondence, campaigns, media, promotional items, events, and signage.

Redesigning Existing Materials to Improve Reader's Understanding of the NYC Human Rights Law

In 2015, the Commission embarked upon a publications plan that has produced or improved over 20 multilingual brochures and factsheets. The Commission’s Communications team continued to work with CRB, LEB, and the OC to revise existing publications and to create new ones.

Improved publications in 2017 include:

• Pregnancy Accommodations at Work notice of rights and factsheet.
• Protections Against Discrimination Based on Sexual Orientation, Gender Identity, and Gender Expression brochure and factsheet.
New publications in 2017 include:

- Disability Protections Under the NYC Human Rights Law brochure and factsheet.
- Businesses and Discrimination Protections Under the NYC Human Rights Law brochure.
- Bias-Based Profiling by Law Enforcement brochure.
- Women in NYC brochure and factsheet.
Office Locations & Contact Information

To file a Complaint or learn more about the Commission, dial 311 and ask for Human Rights.

Main Office
22 Reade Street
New York, NY 10007
Dial 311 or (212) 306-7450
Fax: (212) 306-7658

NY Relay Services
Dial 711 or
(800) 421-1220 (English)
(877) 662-4886 (Spanish)

Website
www.nyc.gov/humanrights

Community Service Centers

Manhattan
22 Reade Street
New York, NY 10007
(212) 306-7450

Queens
153-01 Jamaica Avenue
2nd Floor
Jamaica, NY 11432
(718) 657-2465

Bronx
1932 Arthur Avenue
Room 203A
Bronx, NY 10457
(718) 579-6900

Staten Island
60 Bay Street
7th Floor
Staten Island, NY 10301
(718) 390-8506

Brooklyn
25 Chapel Street
Suite 1001
Brooklyn, NY 11201
(718) 722-3130
Hidden Immigration Issues in the Trump Era & the Important Role of Pro Bono
Overview

• Uptick in immigration discrimination since the 2016 presidential election
• Public agencies’ experience and response
• Wider effect: corresponding uptick in immigration-related issues in other areas
• Roles pro bono can play
• Strategies for gathering pro bono support
• Case study examples and brainstorming
Uptick in Immigration Discrimination

*Spotlight: New York City Commission on Human Rights*

- Changes the agency has witnessed
- Agency response – information campaign
Corresponding Uptick in Immigration-Related Issues

Examples:

- Harassment by landlords due to immigration status (or perceived immigration status)
- Fear of ICE sweeps of food banks, courthouses, schools
- Fear of going to the police for victims of sexual assault, domestic violence, and other crimes
- Avoiding applying for benefits or seeking help even in sanctuary cities because of fear of the administration's policies
Gathering Pro Bono Support

• Entry points for pro bono counsel:
  ➢ Direct representation
  ➢ Co-counseling
  ➢ Discrete issues
  ➢ Partnering in advisory roles

• Strategies & tips for gathering support
  ➢ Pro bono perspective
  ➢ Brainstorm and discussion
Case Study 1

A non-profit organization, Legal Services Organization, has received reports about landlords who are threatening to report tenants to Immigrations and Customs Enforcement ("ICE") if they complain about the conditions in their buildings, as well as reports of landlords threatening to use immigration authorities to accomplish eviction through deportation if tenants refuse to voluntarily relocate.

These reports are deeply troubling and the organization is interested in exploring legal options to combat such landlord conduct.
Case Study 2

Legal Services Organization represents a group of tenants who are entitled to various levels of relocation assistance benefits under local, state, and federal law. To be eligible for federal relocation assistance benefits (which happen to be the highest amount), the clients must be able to demonstrate that they are lawfully present in the United States.

One of your clients is undocumented, but he is married to a U.S. citizen and may be eligible for a green card and eventual naturalization. He cannot afford an immigration attorney.
Panelists

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New York City Commission on Human Rights
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nyc.gov/humanrights
kcarroll@cchr.nyc.gov

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www.innercitylaw.org

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sullivja@pepperlaw.com
Demographic Segment by Job Title 2016

NOTE: 1 SUPERVISING ATTORNEY AND 8 NON-SUPERVISING ATTORNEYS IDENTIFIED AS TRANSGENDER
### Senior Level Officials (Non-Attorneys)

#### by gender and race

<table>
<thead>
<tr>
<th>Year</th>
<th>White Men</th>
<th>White Women</th>
<th>Men of Color</th>
<th>Women of Color</th>
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</thead>
<tbody>
<tr>
<td>2012</td>
<td>15 (9%)</td>
<td>97 (57%)</td>
<td>15 (9%)</td>
<td>43 (25%)</td>
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<tr>
<td>2013</td>
<td>25 (15%)</td>
<td>87 (51%)</td>
<td>15 (9%)</td>
<td>42 (25%)</td>
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<tr>
<td>2014</td>
<td>24 (14%)</td>
<td>89 (53%)</td>
<td>16 (9%)</td>
<td>40 (24%)</td>
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<tr>
<td>2015</td>
<td>19 (12%)</td>
<td>88 (54%)</td>
<td>15 (9%)</td>
<td>41 (25%)</td>
</tr>
<tr>
<td>2016</td>
<td>24 (12%)</td>
<td>101 (52%)</td>
<td>20 (10%)</td>
<td>50 (26%)</td>
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</tbody>
</table>
Senior Attorney Managers
by gender and race

<table>
<thead>
<tr>
<th>Year</th>
<th>White Men</th>
<th>White Women</th>
<th>Men of Color</th>
<th>Women of Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>57 (37%)</td>
<td>72 (46%)</td>
<td>9 (6%)</td>
<td>18 (12%)</td>
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<tr>
<td>2013</td>
<td>33 (27%)</td>
<td>75 (60%)</td>
<td>4 (3%)</td>
<td>12 (10%)</td>
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<tr>
<td>2014</td>
<td>38 (30%)</td>
<td>71 (55%)</td>
<td>4 (3%)</td>
<td>15 (12%)</td>
</tr>
<tr>
<td>2015</td>
<td>37 (29%)</td>
<td>71 (55%)</td>
<td>5 (4%)</td>
<td>15 (12%)</td>
</tr>
<tr>
<td>2016</td>
<td>36 (23%)</td>
<td>88 (55%)</td>
<td>10 (6%)</td>
<td>26 (16%)</td>
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</table>
Supervising Attorneys
by gender and race

<table>
<thead>
<tr>
<th></th>
<th>White Men</th>
<th>White Women</th>
<th>Men of Color</th>
<th>Women of Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>54 / 25%</td>
<td>114 / 52%</td>
<td>12 / 5%</td>
<td>39 / 18%</td>
</tr>
<tr>
<td>2013</td>
<td>53 / 23%</td>
<td>107 / 47%</td>
<td>13 / 6%</td>
<td>53 / 23%</td>
</tr>
<tr>
<td>2014</td>
<td>59 / 23%</td>
<td>125 / 48%</td>
<td>15 / 6%</td>
<td>63 / 24%</td>
</tr>
<tr>
<td>2015</td>
<td>60 / 20%</td>
<td>152 / 52%</td>
<td>17 / 6%</td>
<td>65 / 22%</td>
</tr>
<tr>
<td>2016</td>
<td>73 / 24%</td>
<td>149 / 48%</td>
<td>20 / 6%</td>
<td>68 / 22%</td>
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</tbody>
</table>

Note: 1 Supervising Attorney identified as transgender
Non-Supervising Attorneys
by gender and race

<table>
<thead>
<tr>
<th>Year</th>
<th>White Men</th>
<th>White Women</th>
<th>Men of Color</th>
<th>Women of Color</th>
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</thead>
<tbody>
<tr>
<td>2012</td>
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<td>354</td>
<td>54</td>
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<td>2015</td>
<td>238</td>
<td>522</td>
<td>90</td>
<td>291</td>
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<tr>
<td>2016</td>
<td>264</td>
<td>560</td>
<td>120</td>
<td>373</td>
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Note: 8 Non-Supervising Attorneys identified as transgender
### OPENLY GAY INDIVIDUALS, BY JOB TITLE

<table>
<thead>
<tr>
<th></th>
<th>Chief Executive</th>
<th>Senior Level Officials (Non-Attorneys)</th>
<th>Senior Level Managers</th>
<th>Supervising Attorneys</th>
<th>Non-Supervising Attorneys</th>
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<tbody>
<tr>
<td>2012</td>
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<td>10</td>
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<td>2013</td>
<td>3</td>
<td>6</td>
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<td>2016</td>
<td>5</td>
<td>7</td>
<td>10</td>
<td>22</td>
<td>54</td>
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</tbody>
</table>

On average, 5% of employees in IOLA-Funded organizations are openly gay.
<table>
<thead>
<tr>
<th>Year</th>
<th>Chief Executive</th>
<th>Senior Level Officials (Non-Attorneys)</th>
<th>Senior Level Managers</th>
<th>Supervising Attorneys</th>
<th>Non-Supervising Attorneys</th>
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<tbody>
<tr>
<td>2012</td>
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</tbody>
</table>

On average, 2% of employees in IOLA-Funded organizations have disabilities.
B. Organizational Strength (10 pts) (up to 4 pages)
   1. Principal Activities
   
   Briefly describe all of the organization’s principal activities, explaining how the provision of civil legal services to low-income persons and/or improving the administration of justice fits into the organization’s mission.

   NOTE: This part should both describe the whole organization’s principal activities and mission as well as explain how these activities and mission relate to the provision of civil legal services to low-income persons and/or improving the administration of justice.

   2. Structure & Planning
   
   Describe organizational structure, planning and priority setting processes. Include board composition, relevant experts and client/community involvement. Describe efforts to recruit, retain and promote diverse staff and board members.

   3. Training & Professional Development
   
   Describe whether your organization offers or plans to offer training or professional development to your staff, management, volunteers or board members, including diversity and inclusion, anti-oppression, or cultural competency issues. Please provide details about the trainings offered (e.g., subject matter, constituency served, number of attendees, mandatory or voluntary, number of sessions, in person or web-based).
<table>
<thead>
<tr>
<th>Ethnicity/Gender</th>
<th>Chief Executives</th>
<th>Senior Level Officials</th>
<th>Senior Attorney Managers</th>
<th>Supervising Attorneys</th>
<th>Senior Supervising Attorneys</th>
<th>Paralegals/Advocates</th>
<th>Administrative Support</th>
<th>Totals</th>
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<tbody>
<tr>
<td>Caucasian/White</td>
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<td>Native American</td>
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<td>Black or African</td>
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<td>Total, by Sexual Orientation</td>
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<tr>
<td>People with Disabilities</td>
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IOLA
FOR IMMEDIATE RELEASE: February 9, 2016
CONTACT: pressoffice@cityhall.nyc.gov, (212) 788-2958

MAYOR DE BLASIO ANNOUNCES NYC COMMISSION ON HUMAN RIGHTS FIRST SUCH AGENCY IN MAJOR U.S. CITY TO ISSUE U AND T VISA CERTIFICATIONS

U and T visas allow undocumented immigrant victims of crime, human trafficking to remain in country during investigation and provide pathway to legal permanent residence

Commission joins NYPD, borough District Attorney’s Offices, NYC Law Department, Administration for Children’s Services and HRA’s Adult Protection Services in providing certifications

NEW YORK—Today Mayor Bill de Blasio and Commissioner and Chair of the New York City Commission on Human Rights Carmelyn P. Malalis announced that CCHR is now accepting requests for U and T visa certifications, making it the first and only anti-discrimination agency in a major U.S. city to provide the certification.

“All New Yorkers deserve fair, equal and just protection under the law,” said Mayor Bill de Blasio. “We must stand up for the rights of all our brothers and sisters, and make our city safer by encouraging collaboration and engendering trust between the police and community. I’m proud to announce that the NYC Commission on Human Rights will begin issuing U and T visa certifications – leading other organizations of its kind around the country in supporting undocumented immigrant victims of crime and helping to bring perpetrators to justice.”

“Immigrant New Yorkers should never have to fear negative immigration consequences for reporting crimes committed against them, especially survivors of human trafficking,” said Council Speaker Melissa Mark-Viverito. “Any expansion of U and T visa certifiers is a welcome addition that will give immigrant survivors of crime and human trafficking increased opportunity to come forward and obtain justice. Last year, the Council created a new initiative to provide services to human trafficking survivors in court, and we will continue to work with our partners in government to better serve them. With this announcement, our city is once again leading the nation in creating more compassionate and sensible immigration policy.”

Providing New Yorkers with greater access to U and T visa certifications is the de Blasio Administration’s most recent effort to protect and strengthen its immigrant communities while
making the city safer by encouraging undocumented immigrants to report crimes that have often gone unreported due to fear of deportation. The U visa allows undocumented immigrant victims of crime to temporarily remain in the U.S. for up to four years while assisting law enforcement in investigations and prosecutions, and provides them with a chance to legally work, integrate into their communities and get on a pathway to lawful permanent residence. The T visa, which applies only to undocumented immigrants who have been trafficked into the United States, allows victims to remain in the U.S. for up to three years to assist in the investigations or prosecutions of trafficking crimes, and also provides a pathway to lawful permanent residence. Certification by a law enforcement agency is the first step in the visa process; applicants must submit their certification to the United States Citizenship and Immigration Services for approval to receive a visa.

"I’m really pleased by this news. It’s important that the NYC Commission on Human Rights pays attention to these cases, where immigrants like me are abused by employers or by others, and certify U visas,” said U visa applicant Enriqueta Luna. “I suffered sexual harassment and other types of abuse from my employer, and this happens to many others throughout the city. It’s important that our rights be protected, and that immigrants know that they can come forward when they suffer this type of abuse.”

“New York City strives to keep all its residents out of harm’s way regardless of their immigration status,” said Counsel to the Mayor Maya Wiley. “Far too often, undocumented immigrants do not report crimes for fear of deportation. But they should know that the law protects them just as it protects everyone else. They can now approach the NYC Commission on Human Rights to report crimes and assist law enforcement in investigations without thinking twice. I look forward to working with the Commission, City agencies and advocacy groups to further strengthen immigrant protections under the Law.”

“By issuing U and T visa certifications, the Commission provides another venue for undocumented immigrants to come forward, report unlawful activity and assist in investigations,” said NYC Commission on Human Rights Commissioner and Chair Carmelyn P. Malalis. “As a civil law enforcement agency with investigatory authority, the Commission is well-situated to identify crimes that may qualify immigrants for U and T visa certification, including sexual assault in the workplace, tenant harassment, forced labor, extortion and human trafficking. Everyone in New York City is protected under the New York City Human Rights Law, regardless of their immigration status. Issuing certification will bring victims of abuse one step closer to the justice they deserve.”

The Commission, like other U and T visa certifying agencies, is part of the interagency task force on U visas coordinated by the Mayor’s Offices of Immigrant Affairs and the Mayor’s Office to Combat Domestic Violence. The task force convenes meetings with advocates and internally across agencies to coordinate on best practices and on outreach efforts to instill confidence among undocumented immigrant victims of crimes about a program that was designed to reduce crime and help families. Over the last few months, the Commission has focused on outreach to the City’s various immigrant communities through increased language access initiatives and targeted outreach, including by creating specific educational materials, hosting roundtables with community leaders, leading Know Your Rights workshops, and by developing partnerships with
local community-based organizations serving immigrant communities across the five boroughs.

Roughly 11.3 million undocumented immigrants live in the United States, 535,000 of whom call New York City home. Due to their undocumented status, many immigrants do not report crimes such as domestic violence, sexual assault and human trafficking for fear of deportation. Congress created both the U and T visas in 2000 as part of the Victims of Trafficking and Violence Protection Act to encourage undocumented immigrants to come forward and report crimes, and to aid law enforcement in investigations and prosecutions of criminal activity.

The New York City Commission on Human Rights is a civil law enforcement agency that investigates and prosecutes a wide range of offenses under the New York City Human Rights Law. In the course of investigating discrimination complaints in housing, employment and public accommodations, the Commission may discover criminal activity that could qualify victims for a U or T visa, such as sexual harassment in the workplace that involves sexual assault, a landlord harassing a tenant to vacate the building by threatening to report them to the police (extortion), or an employer exploiting a worker under threat of deportation or other harm (trafficking).

According to USCIS, crimes that qualify for U visa certification include rape, torture, trafficking, incest, stalking, domestic violence, sexual assault, abusive sexual contact, prostitution, extortion and sexual exploitation, among others. The list of qualifying crimes is not exclusive and includes similar criminal activity depending on the jurisdiction. Crimes that qualify for T visa certification are limited to sex trafficking and labor trafficking.

If a member of the public believes they have been the victim of a crime, they should file a report with the New York City Police Department. If a member of the public believes they have been discriminated against, they should call 311 and ask for the Commission on Human Rights.

“Today, New York City announced that it has expanded its capacity to meet the needs of immigrant communities. U and T visas serve undocumented immigrants who have suffered abuse and encourage them to report the crime regardless of their immigration status. By providing an additional avenue for immigrants to report unlawful activity, the Commission is creating a more fostering environment for immigrant communities,” said Mayor’s Office of Immigrant Affairs Commissioner Nisha Agarwal.

“The Mayor’s Office to Combat Domestic Violence applauds Commissioner Malalis for expanding the agency’s scope of services to include U and T visa certifications for victims who are seeking legal remedies related to discrimination,” said Cecile Noel, Commissioner of the Mayor’s Office to Combat Domestic Violence. “The Commission’s inclusion of U and T visa certification will allow victims in New York City to come forward and receive the assistance they need.”

Federal law allows federal, state and local law enforcement agencies – including agencies with civil enforcement power, prosecutors, judges and other authorities with law enforcement investigatory power – to issue U or T visa certifications. The New York City Commission on Human Rights is one such agency. Currently, similar city human rights agencies in the ten next largest U.S. cities do not provide U or T visa certification.
In order to obtain a U visa, a petitioner is required to provide USCIS with a certification from a law enforcement agency confirming that a qualifying crime has occurred and that the victim was helpful, is being helpful, or is likely to be helpful in the investigation. To obtain a T visa, victims have the option to submit a law enforcement agency endorsement that the individual was a victim of human trafficking. Certification is not required in the T visa process, but does give significant weight to the victim's application. Certification of both the U and T visa does not automatically confer visa status. Only USCIS may issue a U or T visa.

If United States Citizenship and Immigration Services finds that the petitioner is eligible and approves the petition, a U visa recipient receives non-immigrant status to live and work in the U.S. for up to four years, and a T visa holder for up to three years. U and T visa holders may also apply to adjust status to become lawful permanent residents after three years of continuous presence in the U.S. Congress has capped the number of available U visas to 10,000 per fiscal year and T visas to 5,000.

Eligible victims of a qualifying crime may seek U visas derivative status for certain family members, including spouses, minor children and parents. Additionally, there is no statute of limitations for when a crime occurred or was reported and the signing of the U or T visa certification, nor does a crime have to be previously reported to qualify for certification.

Law enforcement agencies in New York City that currently issue U and T visa certifications include the New York Police Department, the borough District Attorney’s Offices, the Law Department, the Administration for Children’s Services, HRA’s Adult Protective Services, and now the NYC Commission on Human Rights.

The Commission will undergo rule-making to codify its certification protocol. The rule making process allows for transparency and clarity in the process and gives stakeholders and advocates the opportunity to weigh in on the proposed protocol. The Commission will also continue to work with the Mayor’s Offices of Immigrant Affairs, Mayor’s Office to Combat Domestic Violence, and the Mayor’s Office of Criminal Justice to develop protocols, best practices and outreach efforts to educate the city’s immigrant communities about the U and T visa certification process.

For more information, visit the NYC Commission on Human Rights online, and follow @NYCCHR on Twitter, Facebook and Instagram.

“The women and men subject to discrimination in the workplace, or forced at the hands of their abusers into human trafficking, should first and foremost be supported in their path as survivors. That includes the ability to stay in their homes, work with law enforcement and seek justice in the court of law,” said Silda Palerm, Chair of the Mayor’s Commission on Gender Equity. “The Commission on Gender Equity congratulates the Mayor and Commissioner Malalis on putting CCHR at the forefront of human rights organizations across the country in providing this certification.”
Congresswoman Nydia M. Velázquez said, “It is imperative that undocumented immigrants know they can assist law enforcement when a crime has been committed against them without fear of deportation. This step will help ensure all New Yorkers feel safer and more protected by our legal system.”

“Our city has always been celebrated for opening its arms to immigrants from around the world, particularly those who are most vulnerable. As One Brooklyn, we share a responsibility to protect every member of our community, and the work by Commissioner Malalis and the New York City Commission on Human Rights to assist undocumented victims of crime and human trafficking is critical to that mission. I applaud this commitment by Mayor de Blasio and his administration to human rights and justice for all,” said Brooklyn Borough President Eric Adams.

“Human trafficking is a real issue faced by many, especially in the borough of Queens. It is important to prioritize the safety of all New Yorkers, and also to give every victim the opportunity to come forward and help with police investigations. I applaud the Mayor and the Commission on Human Rights for their commitment to ending this injustice and abuse,” said Council Member Elizabeth Crowley.

“As one of the Commissioners of the NYC Commission on Human Rights, I am proud that our Commission is taking this proactive step to ensure that New York City's immigrants have easier access to relief when they have been the victim of a crime,” said New York Immigration Coalition Executive Director Steven Choi. “Immigrants often fear that reporting crime will potentially put them on the path to deportation. Setting up systems by which immigrants reporting crime will also be able to obtain the necessary documents to move forward with a U and T visa application will give victims a voice and make us all safer in the end.”

“For some undocumented victims of crime, it may be daunting to seek assistance in the aftermath of the crime,” said Safe Horizon Chief Executive Officer Ariel Zwang. “As an organization that provides a wide range of legal services to undocumented victims of domestic violence, sexual assault and other crimes, Safe Horizon applauds the NYC Commission on Human Rights for providing another option for victims who want to report and help in the investigation or prosecution of these crimes. This will also provide victims and their advocates with an additional agency to ask for U visa certifications, an important step in the U visa process. This will go a long way in helping more victims obtain justice.”

“We are thrilled to hear that the NYC Commission on Human Rights will be accepting U and T visa petitions for certification. This is great news for all New Yorkers,” said Make the Road New York Legal Director Amy Taylor. “Undocumented victims and witnesses of crime in our communities are often fearful to report crimes, leaving our communities less safe. The Commission’s role in providing U and T visa certification will be crucial in encouraging undocumented victims of crime to come forward without fearing repercussions because of immigration status.”

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ALCALDE DE BLASIO ANUNCIA QUE LA COMISIÓN DE DERECHOS HUMANOS DE LA CIUDAD DE NUEVA YORK ES LA PRIMERA AGENCIA DE ESTE TIPO UBICADA EN UNA DE LAS PRINCIPALES CIUDADES DE EE.UU EN EMITIR CERTIFICACIONES DE VISAS U Y T

Las visas U y T permiten a los inmigrantes indocumentados que han sido víctimas de crímenes y del tráfico humano a permanecer en el país durante la investigación y proporciona una vía hacia la Residencia Legal Permanente

La Comisión se une al grupo de entidades locales conformado por el Departamento de Policía de Nueva York, las Oficinas de Fiscales del Distrito de cada Condado, el Departamento de Derecho (Law Department), la Administración de Servicios para Los Niños (Administration for Children’s Services) que emiten certificaciones de estas visas

NUEVA YORK- Hoy el Alcalde Bill de Blasio y la Comisionada y Presidenta de la Comisión de Derechos Humanos de la Ciudad de Nueva York Carmelyn P. Malalis anunciaron que la Comisión está aceptando solicitudes de certificaciones de visas U y T convirtiéndose en el primer y único organismo de lucha contra la discriminación en una ciudad principal de los Estados Unidos en proporcionar este tipo de certificación.

"Todos los neoyorquinos merecen una protección justa e igualitaria bajo la ley," dijo el Alcalde Bill de Blasio. "Debemos defender los derechos de todos nuestros hermanos y hermanas, mientras procuramos que nuestra ciudad sea más segura mediante el fomento de la colaboración y de la generación de confianza entre la policía y la comunidad. Estoy orgulloso de anunciar que la Comisión de Derechos Humanos de NYC comenzará a emitir certificaciones de visas U y T – liderando a otras organizaciones similares en todo el país en el apoyo a los inmigrantes indocumentados que han sido víctimas de crímenes y en ayudar a llevar a los responsables de un delito ante la justicia."

"Los neoyorquinos inmigrantes no deberían de temer consecuencias negativas relacionadas con la inmigración por informar sobre crímenes cometidos en su contra, especialmente si se trata de sobrevivientes de tráfico humano", dijo la Presidente del Concejo Municipal Melissa Mark-Viverito. "Cualquier expansión de certificadores de visas U y T es una adicción bienvenida que dará a los inmigrantes sobrevivientes del crimen y el tráfico de personas mayores oportunidades para denunciar y obtener justicia. El año pasado, el Concejo creó una nueva iniciativa para proporcionar servicios a los
sobrevivientes de trata de personas en la corte y vamos a seguir trabajando con nuestros socios en el gobierno para servirles mejor a ellos. Con este anuncio, nuestra ciudad está una vez más liderando a la nación en la creación de una política de inmigración más compasiva y sensata.”

Proporcionar a los neoyorquinos con mayor acceso a la U y T certificaciones de visado es el esfuerzo más reciente de la administración del Alcalde de Blasio para proteger y fortalecer las comunidades de inmigrantes y al mismo tiempo crear una ciudad más segura motivando a los inmigrantes indocumentados a reportar los crímenes que a menudo no se reportan por temor a la deportación. La visa U permite a los inmigrantes indocumentados que han sido víctimas de crímenes a que permanezcan temporalmente en los EE.UU. por un máximo de cuatro años, mientras que ayudan en las investigaciones y los enjuiciamientos, y les proporciona la oportunidad de trabajar legalmente, integrarse en sus comunidades, y encaminarse hacia la obtención de la residencia permanente legal. La visa T, que se aplica sólo a los inmigrantes indocumentados que han sido objeto de tráfico humano en los Estados Unidos, permite que las víctimas permanezcan en el país durante un máximo de tres años para ayudar en las investigaciones o enjuiciamientos de delitos de tráfico, y también proporciona un camino a la residencia permanente legal. La certificación por una agencia de cumplimiento de la ley es el primer paso en el proceso de aplicación por visas U y T. Los solicitantes de visa U y T deben presentar esta certificación en Servicios de Ciudadanía y e Inmigración (USCIS) para su aprobación.

"Estoy muy contenta por esta noticia. Es importante que la Comisión de Derechos Humanos de la Ciudad de Nueva York se ocupe de estos casos, donde los inmigrantes como yo son abusados por los empleadores o por otros", dijo la solicite de visa U Enriqueta Luna. "He sufrido acoso sexual y otros tipos de abusos por parte de mi empleador y esto le sucede a muchos otros a lo largo de la ciudad. Es importante que nuestros derechos sean protegidos y que los inmigrantes sepan que pueden presentarse y denunciar cuando sufren este tipo de abuso.”

"Nueva York se esfuerza por mantener todos sus residentes fuera de peligro, sin importar su estatus migratorio", dijo la Consejera del Alcalde Maya Wiley. "Con demasiada frecuencia, los inmigrantes indocumentados no reportan crímenes por temor a ser deportados. Pero ellos deben saber que la ley los protege del mismo modo que protege a todos los demás. Ahora pueden dirigirse a la Comisión de Derechos Humanos de NYC para reportar crímenes y asistir a los organismos del cumplimiento de la ley en las investigaciones sin pensarlo dos veces. Espero con interés trabajar con la Comisión, los organismos municipales y grupos de apoyo para fortalecer aún más la protección de inmigrantes bajo la ley.”

"Mediante la emisión de certificaciones de visas U y T, la Comisión ofrece otro lugar para los inmigrantes indocumentados se presenten, denuncien actividades ilegales y ayuden en las investigaciones", dijo la Comisionada de Derechos Humanos de NYC Carmelyn P. Malalis. "Como agencia de cumplimiento de la ley civil con la autoridad en investigación, la Comisión está muy bien situada para identificar los delitos que pueden calificar a los inmigrantes para obtener visas U y T, incluyendo asalto sexual en el lugar de trabajo, trabajo forzoso, extorsión y el tráfico de personas. Todo el mundo en la Ciudad de Nueva York está protegido por la Ley de Derechos Humanos de la Ciudad de Nueva York, independientemente de su situación migratoria. La emisió de la certificación traerá a las víctimas de abuso más cerca de la justicia que merecen.”

La Comisión, al igual que otros organismos de certificación de visas U y T, es parte del grupo de trabajo interinstitucional sobre las visas U coordinadas por las Oficinas de Asuntos de Inmigración y por la Lucha en contra de la Violencia Doméstica de la Oficina del Alcalde. El grupo de trabajo se reúne con defensores y grupos comunitarios y otras agencias para coordinar mejores prácticas y esfuerzos de divulgación sobre este programa para inspirar confianza entre los inmigrantes indocumentados que han sido víctimas de crímenes sobre un programa que fue diseñado para reducir el crimen y ayudar a las familias. En los últimos meses, la Comisión se ha concentrado en la divulgación de información en
diversas comunidades inmigrantes de la ciudad a través de iniciativas de acceso al idioma incluyendo la creación de materiales educativos específicos a inmigración, haciendo mesas redondas con líderes de la comunidad, realizando talleres sobre derechos y deberes según la ley y desarrollando asociaciones con organizaciones locales que sirven a comunidades de inmigrantes en los cinco condados.

Aproximadamente de los 11,3 millones de inmigrantes indocumentados viven en los Estados Unidos, 535.000 llaman a la Ciudad de Nueva York su casa. Debido a su condición de indocumentados, muchos inmigrantes no denuncian delitos y crímenes como la violencia doméstica, el asalto sexual y la trata de personas por temor a ser deportados. El Congreso creó las visas U y T en el 2000 como parte del Programa de Protección a Victimas de la Trata y la Violencia con el objeto de alentar a los inmigrantes indocumentados a presentarse y reportar crímenes para que ayuden a los organismos del cumplimiento de la ley en las investigaciones y enjuiciamientos de la actividad criminal.

La Comisión de Derechos Humanos de Derechos Humanos de la Ciudad de Nueva York es una agencia del cumplimiento de la ley que investiga y procesa una amplia gama de delitos bajo la Ley de Derechos Humanos de la Ciudad de Nueva York. En el curso de la investigación de las quejas de discriminación en la vivienda, el empleo y los lugares públicos, la Comisión podrá descubrir las actividades delictivas que podrían calificar a víctimas para una certificación de visa U o T, tales como el acoso sexual en el lugar de trabajo que involucre asalto sexual, el acoso por parte de un casero a su inquilino para que desaloje el edificio con la amenaza de denunciarlos a la policía (extorsión), o la explotación de un empleador a un trabajador bajo amenaza de expulsión u otros daños (como el tráfico).

Según USCIS, delitos que reúnen los requisitos para la certificación de la visa U incluyen violación, la tortura, el tráfico, elincesto, el acoso, la violencia doméstica, asalto sexual, contacto sexual abusivo, la prostitución, la extorsión y la explotación sexual, entre otros. La lista de crímenes de calificación no es exclusiva e incluye actividades delictivas similares dependiendo de la jurisdicción. Delitos que reúnen los requisitos para la certificación visa T se limitan a la trata sexual y el tráfico de mano de obra.

Si un miembro del público cree que ha sido víctima de un crimen, deben presentar un informe con el Departamento de Policía de Nueva York. Si un miembro del público cree que han sido discriminados, deben llamar al 311 y preguntar por la Comisión de Derechos Humanos.

"Hoy la Ciudad de Nueva York anunció que ha ampliado su capacidad para satisfacer las necesidades de las comunidades de inmigrantes. Las visas U y T sirven a los inmigrantes indocumentados que han sufrido abusos y les anima a denunciar el delito, independientemente de su situación migratoria. Al proporcionar una vía adicional para que los inmigrantes reporten actividad ilegal, la Comisión está creando un entorno para el fomento de las comunidades de inmigrantes," dijo la Comisionada de la Oficina del Alcalde para Asuntos del Inmigrante Nisha Agarwal.

"La Oficina del Alcalde para Combatir la Violencia Doméstica aplaude a la Comisionada Malalis por ampliar el alcance de los servicios de la agencia para incluir U y T certificaciones de visado para las víctimas que buscan recursos legales relacionados con la discriminación," dijo la Comisionada de la Oficina del Alcalde para Combatir la Violencia Doméstica. "La inclusión de la certificación de la visa U y T como parte de los servicios de la Comisión permitirá a las víctimas en la Ciudad de Nueva York presentarse y recibir la asistencia que necesitan."

La ley federal permite a los organismos encargados de hacer cumplir las leyes federales, estatales y locales - incluyendo las agencias con poder de ejecución civil, fiscales, jueces y otras autoridades de aplicación de la ley con un poder de investigación - para emitir U o certificaciones de visa T. La Comisión de la Ciudad de Nueva York sobre los Derechos Humanos es uno de estos organismos. En la
actualidad, agencias similares de derechos humanos en las diez ciudades más grandes de Estados Unidos no proporcionan la certificación de visas U o T.

Con el fin de obtener una visa U, se requiere proporcionar a USCIS una certificación de una agencia de cumplimiento de la ley que confirme que se ha producido un delito calificado y que la víctima está siendo muy útil, o es probable que sea muy útil en la investigación. Para obtener una visa T, las víctimas tienen la opción de presentar el respaldo de una agencia de cumplimiento de la ley confirmando que la persona ha sido víctima de la trata de personas. La certificación no es necesaria en el proceso de la visa T, pero da un peso significativo a la aplicación por parte de la víctima. Certificación de las visas U y T no confiere automáticamente la obtención de estas visa. Solo USCIS puede emitir visas U y T.

Si el Servicio de Ciudadanía e Inmigración de los Estados Unidos considera que el peticionario es elegible y aprueba la petición, ésta recibe una visa U en estatus de no inmigrante para vivir y trabajar en los EE.UU. por un máximo de cuatro años. En el caso de la visa T la persona puede permanecer por un máximo de tres años. Los portadores de la visa U y T también pueden solicitar el ajuste de estatus para convertirse en residentes permanentes legales después de tres años de presencia continua presencia en el país El Congreso de EE.UU ha limitado el número de visas U disponibles a 10.000 por año fiscal y de visas T a 5.000 por año fiscal.

Las víctimas elegibles de un delito calificado pueden solicitar visas U derivadas de su status para ciertos miembros de su familia, incluidos cónyuges, hijos menores y padres. Además, no hay estatuto de limitaciones sobre cuando ocurrió el crimen o cuando se informó y se realizó la firma de la certificación para la visa U o T, ni tampoco aplica que un delito deba de ser reportado con anterioridad para que califique para la certificación.

Las agencias del cumplimiento de la ley de la Ciudad de Nueva York que actualmente emiten certificaciones de visas U y T incluyen el Departamento de Policía de Nueva York, las Fiscalías de Distrito de cada condado, el Departamento de Derecho, la Administración de Servicios para Niños, Servicios y ahora, la Comisión de Derechos Humanos de la Ciudad de Nueva York.

La Comisión se someterá a la elaboración de normas para codificar su protocolo de certificación. El proceso de elaboración de normas facilita la transparencia y la claridad en el proceso y da a las partes interesadas la oportunidad de opinar sobre el protocolo propuesto. Asimismo, la Comisión seguirá trabajando con las Oficinas del Alcalde de Asuntos de Inmigración y para Combatir la Violencia Doméstica, y la Oficina de Justicia Penal de la Alcaldía para desarrollar protocolos y buenas prácticas y para mejorar los esfuerzos para educar a las comunidades de inmigrantes de la ciudad sobre el proceso de certificación de visas U y T.

Para obtener más información, visite www.nyc.gov/humanrights y siga a @NYCCHR en Twitter, Facebook e Instagram.

"Los hombres y las mujeres que son objeto de discriminación en el lugar de trabajo, o son forzados a manos de sus agresores al tráfico humano, en primer lugar deben ser apoyados en su camino como sobrevivientes. Esto incluye la capacidad de permanecer en sus hogares, trabajar con la policía y buscar la justicia en el tribunal de justicia," dijo Silda Palerm, Presidente de la Comisión de la Alcaldía para la Equidad de Género. "La Comisión de Equidad de Género felicita al Alcalde y a la Comisionado Malalis por ponerse a la vanguardia de las organizaciones de derechos humanos en todo el país en el suministro de esta certificación."

La Congresista Nydia M. Velázquez dijo: "Es imperativo que los inmigrantes indocumentados sepan que pueden ayudar a la policía cuando un delito se ha cometido contra ellos sin temor a ser deportados.
Este paso le ayudará a asegurar a que todos los neoyorquinos se sientan más seguros y protegidos por nuestro sistema legal."

"Nuestra ciudad siempre ha sido celebrada por abrir sus brazos a los inmigrantes de todo el mundo, en particular los que son más vulnerables. Como Un Solo Brooklyn, compartimos la responsabilidad de proteger a todos los miembros de nuestra comunidad, y el trabajo por parte de la Comisionada Malalis y la Comisión de Derechos Humanos de la Ciudad de Nueva York para ayudar a las víctimas indocumentadas de la delincuencia y el tráfico de personas es fundamental para esa misión. Aplodo este compromiso por el Alcalde de Blasio y su administración con los derechos humanos y la justicia para todos," dijo el Presidente del Condado de Brooklyn Eric Adams.

"La trata de personas es un problema real que enfrentan muchos, especialmente en el condado de Queens. Es importante dar prioridad a la seguridad de todos los neoyorquinos, y también para dar a cada víctima la oportunidad de denunciar un crimen y ayudar con las investigaciones policiales. Aplado el Alcalde y a la Comisión de Derechos Humanos por su compromiso de poner fin a esta injusticia y el abuso," dijo la Concejal Elizabeth Crowley.

"Como uno de los Comisionados de la Comisión NYC de Derechos Humanos, me siento orgulloso de que nuestra Comisión esté tomando este paso proactivo para asegurar que los inmigrantes de la Ciudad de Nueva York tengan un acceso más fácil al alivio después que han sido víctimas de un crimen", dijo el Director Ejecutivo de New York Immigration Coalition. "Los inmigrantes temen tener información de delitos potencialmente los pondrá en el camino a la deportación. La creación de sistemas mediante los cuales los inmigrantes puedan reportar delitos también será capaz de obtener los documentos necesarios para seguir adelante con la solicitud de visa T y U va a dar a las víctimas una voz y hacernos a todos más seguros en el final."

"Para algunas víctimas indocumentadas de la delincuencia, puede ser desalentador buscar ayuda después de haber sido víctimas de un crimen," dijo Oficial Ejecutivo de Safe Horizon Ariel Zwang. "Como una organización que ofrece una amplia gama de servicios legales a las víctimas indocumentadas de violencia doméstica, asalto sexual y otros delitos, Safe Horizon aplauda a la Comisión NYC de Derechos Humanos para proporcionar otra opción para las víctimas que deseen informar y ayudar en la investigación o el enjuiciamiento de estos delitos. Esto proporciona a las víctimas y sus defensores con una agencia adicional para pedir certificaciones, un paso importante en el proceso de la visa U. Esto ayudará a más víctimas a obtener justicia."

"Estamos encantados de que la Comisión de Derechos Humanos de Nueva York estará aceptando peticiones de visa U y T para la certificación. Esta es una gran noticia para todos los neoyorquinos," dijo la Directora Legal de Se Hace Camino Nueva York Amy Taylor. "Los indocumentados víctimas y testigos de delitos en nuestras comunidades a menudo tienen miedo de denunciar los delitos, dejando a nuestras comunidades menos seguras. El papel de la Comisión en la prestación del servicio de certificación de la visa U y T será crucial para alentar a las víctimas crímenes indocumentadas a presentarse sin temor a repercusiones debido al estatus migratorio."

###
U&T Visa Certifications

On February 9, 2016, Mayor Bill de Blasio and Commissioner and Chair of the New York City Commission on Human Rights Carmelyn P. Malats announced that the Commission is now accepting requests for U and T visa certifications, making it the first and only anti-discrimination agency in a major U.S. city to provide the certification.

U nonimmigrant status (U visa) offers immigration protection to victims of certain crimes who are, have been, or are likely to be helpful in the law enforcement investigation and prosecution of those crimes. Victims must also meet additional criteria, including suffering substantial mental or physical abuse as a result of the crime. The U visa allows victims to remain in the United States and assist law enforcement authorities in the investigation or prosecution of the unlawful activity.

T nonimmigrant status (T visa) provides immigration protection to victims of severe forms of trafficking. The T visa allows victims to remain in the United States and assist law enforcement authorities in the investigation or prosecution of human trafficking cases. After three years in T nonimmigrant status, the victim may also be eligible to apply for a green card.

The Commission will consider certification requests for U and T visas from individuals who have filed a complaint of discrimination with the Commission and/or helped with the investigation and/or prosecution of a case. If you wish to file a complaint with the Commission, contact 311 or (718) 722-3131 and ask for “Human Rights.” If you have already filed a case with the Commission or your case is closed, contact the Commission’s policy office for more information at (212) 416-0136 or policy@cchr.nyc.gov.

Read the press release: in English, en Español

http://www1.nyc.gov/site/cchr/about/u-t-visa-certifications.page
A Local Law to amend the administrative code of the city of New York, in relation to immigration enforcement.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-178 to read as follows:

§ 10-178 Immigration enforcement. a. Definitions. As used in this section, the following terms have the following meanings:

City property. The term “city property” means any real property leased or owned by the city that serves a city governmental purpose and over which the city has operational control.

Immigration enforcement. The term “immigration enforcement” means the enforcement of any civil provision of the immigration and nationality act and any provision of such law that penalizes a person’s presence in, entry into, or reentry into the United States.

b. No agency shall subject its officers or employees to the direction and supervision of the secretary of homeland security primarily in furtherance of immigration enforcement.

c. No city resources, including, but not limited to, time spent by employees, officers, contractors, or subcontractors while on duty, or the use of city property, shall be utilized for immigration enforcement.

d. Whenever any city officer or employee receives a request from a non-local law enforcement agency for the city to provide support or assistance intended to further immigration enforcement, such officer or employee’s agency shall make a record relating to such request, including any response or actions taken in
response. An office of the mayor, or an agency the head of which is appointed by the mayor, shall be
designated by the mayor to submit to the speaker of the council a quarterly report containing an anonymized
compilation or summary of such requests and actions taken in response, disaggregated by the requesting non-
local law enforcement agency and the agency receiving such a request; provided, however, disclosure of any
such information shall not be required if: (i) such disclosure would interfere with law enforcement
investigations or (ii) such disclosure is related to actions taken pursuant to clause (i) of subdivision e of this
section and would compromise public safety. Such report shall not be required to include information contained
in reports required pursuant to section 9-131, 9-205, or 14-154.

e. Nothing in this section shall prohibit city officers and employees from performing their duties in
accordance with state and local law by, including, but not limited to: (i) participating in cooperative
arrangements with city, state, or federal law enforcement agencies that are not primarily intended to further
immigration enforcement or utilizing city resources in connection with such cooperative arrangements and (ii)
taking actions consistent with sections 9-205, 9-131, and 14-154. In addition, nothing in this section shall
prevent any city officer or employee from complying with federal law or restrict their discretion to take any
action if such restriction is prohibited by federal law.

§ 2. Subdivision f of section 9-131 of the administrative code of the city of New York, as amended by
local law number 58 for the year 2014, is amended to read as follows:

f. Reporting. No later than [October 15, 2015] September 1, 2018 and no later than [October fifteenth] September 1 of each year thereafter, the department shall post a report on the department website that includes the following information for the preceding twelve month period ending [September thirtieth] June 30:

1. the total number of civil immigration detainers lodged with the department, disaggregated to the extent possible by the reason given by federal immigration authorities for issuing detainers, including, but not limited to, that federal immigration authorities:

i. had reason to believe that the persons in the department's custody are subject to removal from the
United States;

   ii. initiated removal proceedings and served a notice to appear or other charging document on persons in the department's custody;

   iii. served a warrant of arrest for removal proceedings on persons in the department's custody; or

   iv. obtained orders of deportation or removal from the United States for persons in the department's custody;

2. the number of persons held pursuant to civil immigration detainers beyond the time when such person would otherwise be released from the department's custody, disaggregated to the extent possible by the reason given by federal immigration authorities for issuing the detainers, including, but not limited to, that federal immigration authorities:

   i. had reason to believe that the persons in the department's custody are subject to removal from the United States;

   ii. initiated removal proceedings and served a notice to appear or other charging document on persons in the department's custody;

   iii. served a warrant of arrest for removal proceedings on persons in the department's custody; or

   iv. obtained orders of deportation or removal from the United States for persons in the department's custody;

3. the number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainers;

4. the number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had at least one conviction for a violent or serious crime;

5. the number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no convictions for a violent or serious crime and were identified as possible matches in the terrorist screening database;
6. the amount of state criminal alien assistance funding requested and received from the federal government;

7. the number of persons for whom civil immigration detainers were not honored pursuant to subdivision b of this section; [and]

8. the number of persons held pursuant to civil immigration detainers beyond the time when such persons would otherwise have been released from the department's custody who were not transferred to the custody of federal immigration authorities either because of the expiration of the forty-eight-hour hold period provided in 8 C.F.R. § 287.7 or because federal immigration authorities disavowed an intention to assume custody[.]; and

9. the number of requests from federal immigration authorities concerning a person’s incarceration status, release dates, court appearance dates, or any other information related to such person in the department’s custody, and the number of responses honoring such requests by the department, disaggregated by:

   i. the number of responses to federal immigration authorities concerning a person with no convictions for a violent or serious crime, disaggregated by the number of such responses that included incarceration status, release dates, court appearance dates, or other types of information, and whether the department facilitated the transfer of such persons to the custody of federal immigration authorities;

   ii. the number of responses to federal immigration authorities concerning a person with at least one conviction for a violent or serious crime, disaggregated by the number of such responses that included incarceration status, release dates, court appearance dates, or other types of information, and whether the department facilitated the transfer of such persons to the custody of federal immigration authorities; and

   iii. the number of responses to federal immigration authorities concerning a person with no convictions for a violent or serious crime who was identified as a possible match in the terrorist screening database, disaggregated by the number of such responses that included incarceration status, release dates, court appearance dates, or other types of information, and whether the department facilitated the transfer of such
persons to the custody of federal immigration authorities.

§ 3. Subdivision f of section 14-154 of the administrative code of the city of New York, as amended by local law number 59 for the year 2014, is amended to read as follows:

f. Reporting. No later than [October 15, 2015] September 1, 2018, and no later than [October fifteenth] September 1 of each year thereafter, the department shall post a report on the department website that includes the following information for the preceding twelve month period ending [September thirtieth] June 30:

1. the number of civil immigration detainers received from federal immigration authorities;

2. the number of persons held pursuant to civil immigration detainers beyond the time when such person would otherwise be released from the department’s custody;

3. the number of persons transferred to the custody of federal immigration authorities pursuant to civil immigration detainers; [and]

4. the number of persons for whom civil immigration detainers were not honored pursuant to subdivision b of this section[.]; and

5. the number of requests from federal immigration authorities for such person’s incarceration status, release dates, court appearance dates, or any other information related to such person in the department’s custody, and the number of responses honoring such requests by the department, disaggregated by:

   i. the number of responses to federal immigration authorities concerning a person with no convictions for a violent or serious crime, disaggregated by the number of such responses that included incarceration status, release dates, court appearance dates, or other types of information, and whether the department facilitated the transfer of such persons to the custody of federal immigration authorities;

   ii. the number of responses to federal immigration authorities where the person had at least one conviction for a violent or serious crime, disaggregated by the number of such responses that included incarceration status, release dates, court appearance dates, or other types of information, and whether the department facilitated the transfer of such persons to the custody of federal immigration authorities; and
iii. the number of responses to federal immigration authorities concerning a person with no convictions for a violent or serious crime who was identified as a possible match in the terrorist screening database, disaggregated by the number of such responses that included incarceration status, release dates, court appearance dates, or other types of information, and whether the department facilitated the transfer of such persons to the custody of federal immigration authorities.

§ 4. This local law takes effect 60 days after it becomes law, provided that information newly required to be reported by subdivision d of section 10-178, paragraph 9 of subdivision f of section 9-131, and paragraph 5 of subdivision f of section 14-154 of the administrative code of the city of New York, as added by sections one, two, and three of this local law respectively, shall be required to be reported only for periods beginning on the effective date of this local law.
NEW YORK CITY

COMMISSION ON HUMAN RIGHTS

PUBLIC HEARING RE

DISCRIMINATION AGAINST ALIENS
AND PERSONS PERCEIVED AS ALIENS

Department of Health Auditorium
125 Worth Street
New York, New York

November 16, 1988
1:00 p.m.

NEWROCK/DESIMONE-THE COURT REPORTERS
21 West 38th Street
New York, New York 10018

(212) 840-1891
Before:

COMMISSION ON HUMAN RIGHTS

DR. JOHN E. BRANDON, Chairman
CAROL LISTER
DAVID WERTHEIMER
GLEN LAU-KEE
XAVIER RODRIGUEZ
MSGR. JOHN SERVIDIDIO
HAROLYN RUSSO
DR. JOHN S. HONG,
EDWARD MAPP
PHILLIP RIVERA
DR. BRANDON: Good afternoon. We are ready to begin the second day of our hearing.

I am Dr. John Brandon, Commissioner and Chairperson of the New York City Commission on Human Rights.

Welcome to the second day of public hearings. With me on the podium are Commissioners Glen Lau-Kee, who chairs the agency's Committee on Immigrant Discrimination; Dr. Edward Mapp and Commissioner Harolyn Russo.

Yesterday while we listened to testimony at these hearings an unfortunate tragedy occurred. Three immigrant workers at a garment factory were injured trying to escape from agents of the Immigration and Naturalization Service. This is an example of a climate of fear and misunderstanding that exists with regard to immigration.

Yesterday's testimony showed that the Immigration Reform and Control Act, IRCA, is causing widespread national origin and alien discrimination. We learned of an employer demanding sexual favors from a woman who was a
grandfathered employee. A grandfathered employee is a person who has been working since before November 1986 and is permitted to work by IRCA; a Mexican woman trying eight times to open a bank account and eight times she refused. The bank only agreed to open the account when her husband's employer stated that he would directly deposit his check.

We were also told about a West Indian man who was denied car insurance because he was not a citizen; a Korean man who was refused services by his landlord because he was Asian.

There is rampant discrimination in employment against Puerto Ricans even though they are United States citizens.

Today we have a full distinguished list of witnesses. I expect that their testimony, along with what we heard yesterday, will help us assess whether the New York City Human Rights Law should be amended to prevent discrimination based on alien and citizen status.

Let me explain how we will proceed today. First, all persons who wish to testify
should first check in with the reception desk; secondly, because we expect 30 or more speakers today, you will only have ten minutes to testify. A timekeeper will inform you when your time is up. We will accept additional written statements or exhibits; the third, a sign language interpreter is available throughout the hearings. If you need this assistance, please inform the reception desk. If you need an interpreter in Spanish, Creole, French, Cantonese, Mandarin, or Korean for your testimony, please see someone at the reception desk.

We want to continue helping New York's immigrant and ethnic communities. Working together we can take the lead in the fight for human rights.

Our first witness today will be from the Honorable Miriam Friedlander, member, City Council.

MS. FRIEDLANDER: Thank you very much for being allowed to come on early since, as usual, we are all very busy.

I am just very pleased that the
Commission on Human Rights is moving on this because I feel that it is a very serious problem now in terms of trying to create an atmosphere in which we make a very definite statement to New York City that we are rejecting any accelerated form of discrimination which we find to be coming out of the establishment of this law.

A particular aspect of the law, which is employer sanctions, is probably the worst aspect in trying to create it. New York City is a city of immigrants, New York was created by immigrants, and I must say that the district I represent in lower Manhattan is wonderfully creative and active and just, I think, it is the best district in the whole city -- you may differ with me -- because I think we have so many different cultures, so many different contributions, and constantly coming in and being renewed.

There are people who want to say I am the second or third generation of immigrants, I don't need anymore. But I say as you came before, we need this renewal of all kinds of backgrounds and cultures in order to keep New
York as New York is.

And perhaps more important than that, we need to create a sense of balance as to what New York really is. I find that the tendency now, if one is able to destroy the confidence of the ability of the immigrants to come and work and reside and make contributions, by destroying their ability to work, to have housing, to have families, to be able to learn from each other and communicate with each other, then we will go into what is now a very lopsided tendency in New York City, and that is, the policy to service only those who are very wealthy, who claim a very strong white, how shall we say, high middle class, high income level of participation in our city, and I think that is really destructive to what we have in our city.

I have an intern in my office who has been seeking out some of the background materials that are taking place here. We have constantly worked with the groups that you will probably be hearing from or have heard from in terms of concrete facts and figures and materials, and she was in communication with them
as well as others, and has said what she found to be the key violations that we are seeing, particularly as a result of the employer sanctions.

I am going to give you copies of this, because she did a beautiful job of just itemizing them, and I think they will be simple to follow here. I think they are important because they kind of bring together the major items that we found functioning in the Asian community, in the Latino community, in the black community. And, of course, you have double discrimination when it comes to women in any one of the communities that we find here.

The unnecessary firings due to lack of information. One is lack of information and the other is the lack of desire to find information or to make it effective in terms of the right to hire and such. The loss or not possessing the proof of eligibility, this is the most difficult thing, and there is no help.

I think this is key to what you can begin to point to in terms of your work: Where does one get support or help, where in the city
budget do we find a fountain for those groups that are already working on this. Where do we force the federal government to come in and really create a program for giving support and help. I think these are the things that your Commission can look into in greater detail and give us the concrete forms in which this can be done.

I don't know where the state enters into this, except also the Human Rights Commission, but I am talking about supporting the needs of the immigrant in finding the help, in searching out the support system and the documents they need.

I think probably most vicious is the firing of workers due to union activities. Probably those who are most exploited are the immigrants because of the fear and where they are at, what they are at, being exposed, being turned into a system that might throw them out, break up the families, throw them back to bad political situations. Here we have employers finding a new tool, a new tool to fight the development of unions, the development of organizations, the
banding together of workers for their own rights and provisions. This is very bad.

The discrimination of unauthorized workers who are at the mercy and fear of the employer. Not only are you breaking up what the workers have here, but you are forcing them down. I keep getting reports of highly skilled people or highly professional people, because of the fear of exposure, being forced down into the lower areas of work, taking jobs that are far beneath what their abilities are and what they can do.

The firing of grandfathered workers, you had mentioned that. The loss of benefits, there is some testimony I have heard where people have been forced to work for a number of weeks while supposedly gathering their cards, their materials, and not getting paid for that time or not getting benefits for the time they might have to go out and do this search for materials.

The withholding of wages in that form. The harassment because of ethnicity. In other words, the form term that is now being used "foreign-looking worker," which is a horrible
form. I think we have to see to it that we put a stop to that kind of concept. We are all New Yorkers. If the word "citizen" does not yet apply and you have the term workers without documents, then the idea is workers who are on their way to being citizens, and we must eliminate that very foreign-looking workers as a method of discrimination and destruction.

I must repeat, the whole question of sexual harassment is a constant problem for women in working conditions. Women who have tremendous need of jobs now. As you know, particularly women who are heads of household with children now work at half the income of the average married person or married family and they have great difficulty, with the increase in lack of housing they have even greater difficulty making ends meet. Therefore they become victims of all types of harassment just to hold on to their job or to get any kind of promotions or things of that sort.

I indicate at the bottom that we have worked with many groups and that we feel, together with these groups, that the elimination
of employer sanction will be an important part of what we have to look forward to. We know that Congress will be in a position to look at the bill again by 1989. We hope that by then, as a result of your work, as a result of the pressure of many different groups and organizations, that we will make this a reality. We must repeal that employer sanction because it has become a tool for undermining the working conditions of people and for recreating a whole arena of discrimination that has become legalized, and this is the difficulty.

In working with the Commission, I know that you have taken very innovative steps yourselves to deal with these problems, and I would like to urge that you take some very special steps in order to give us the ability to organize better in opposing this increaseth destructive necessary of the employer sanction phase.

First of all, I know that you have done special studies in order to equip yourselves, to rationalize yourself for moving ahead. I would urge that the Commission
undertake a very specialized study. I think you have the ability to do it. I hope you will get the funds to do it. I hope you will hire the people who have the know-how and gone into the various fields and I will leave that to you. Because where you have undertaken it you have done an excellent job.

The second thing I would like to see the Commission do, and you might well start it now, is to do an outreach program into all areas of people without documents, of immigrants and such, and offer them the services that already exist in the Human Rights Commission for mediating problems of discrimination. I don't think that's well enough known in the field. I think perhaps you have to define it better as to what kind of services you can immediately offer in the mediating services between employers and workers and other such groups that you can do.

I also feel there is one other aspect. Some years ago, I believe it was in 1985, the Mayor issued an executive order that nobody without documents should be discriminated against in any area of social services in our
city. I would like to see you undertake the urging that this executive order be made into law, into a bill. And while we depend on the good services of our executive in the city, we would like to see this in a concrete form as part of your regulations so we can lean on something concrete there and make sure that it is there all the time.

I thank you very much for holding this hearing, and I look forward to working with you on that.

DR. BRANDON: Just a moment, Councilwoman. We have just completed a brochure in six languages on immigrant discrimination and national origin. It's the beginning of our public education again in that regard, which you just mentioned.

I would like to ask you also, would you support a change in the Human Rights Law to include alien status?

MS. FRIEDLANDER: Yes.

DR. BRANDON: Also include unauthorized persons as well?

MS. FRIEDLANDER: Yes. Any material
that you propose, I would like to see passed on, not only to myself, but to all Council members. I would like to see it take some of your suggestions or just testing suggestions. We have the ability in the Council to bring it up for a hearing so that we give it more attention and more discussion. I would be very happy to work with you on a resolution to this effect and introduce it for further discussion in the Council itself, to give you some support in encouraging you to move ahead on some of these aspects.

DR. BRANDON: Any questions by the Commission?

A VOICE: What about the crack problem in New York City? Any of these illegal immigrants bringing in cocaine into the country, marijuana, heroin and flooding our city with these drugs; and I don't see why we should want any more of them.

DR. BRANDON: Our procedure at this point is that as the speakers come, the commissioners will raise the questions to the speakers. We will not at this time be taking
questions from the audience.

Just one other question --

A VOICE: Black children are dying
out there on the streets from these drugs. They
are killing the black population.

MS. FRIEDLANDER: Sir, you are
interrupting this hearing. You don't belong here
if you continue to interrupt.

DR. BRANDON: The question we asked
a number of persons yesterday with regard to
persons who are unauthorized and applying for
bank mortgages, whether or not that should be a
consideration in the granting of a mortgage. Do
you have any feelings on that?

MS. FRIEDLANDER: I haven't had any
discussion with the people who are involved
here. My feeling is that if people are living
here and are recognized here and working here,
the criterion for anything in regard to them,
whether it be financial, social services or
anything, is the same criterion that we give to
anybody else: Are you working, do you have the
background, are you entitled to it, like anybody
else. Not on the basis of whether you are
foreign born, whether you have documents or don't have documents, whether you are a different color or whatever your cultural background is. The banks have a right to ask certain questions in order to stabilize and give a basis for the mortgage, that should be the only basis.

DR. BRANDON: I appreciate your response.

MS. FRIEDLANDER: Thank you very much.

DR. BRANDON: Thank you for coming.

MS. FRIEDLANDER: I just want to make one comment, if I may, on the crack thing. I think it is completely out of line to blame the victims of persecution for carrying out what the major governments have carried out. They are responsible for the crack being brought in here, the drugs being brought in here. They are the very governments in many cases that immigrants are trying to avoid and escape from.

And one of the biggest problems that we have with the immigration groups here is that they are not considering quickly enough or even at all giving these immigrants some political
safety status that they should be entitled to here and, therefore, are being forced back into the very governments who are basing their governments, their funding and their political action on the dealing of crack and dope and cocaine and such. They are the culprits, not the immigrants who are coming in here.

Thank you.

DR. BRANDON: Thank you very much.

Our next witness, Mr. Jim Blume of the General Accounting Office.

MR. BLUME: Commissioners, I am pleased to be here today and discuss GAO's second annual report on the status of Implementing Employer Sanctions. Accompanying me is Ms. Linda Watson, the Deputy Project Manager for the discrimination issue.

Our New York Regional Office staff also participated.

To reduce the number of aliens illegally entering the United States to find work, Congress passed the Immigration Reform and Control Act of 1986 to penalize employers who hire any alien not authorized to work.
The law requires that each of GAO's three annual reports review the implementation and enforcement of employer sanctions for the purpose of determining whether, (1), the law has been carried out satisfactorily; (2), a pattern of discrimination has resulted against authorized workers; and (3), an unnecessary regulatory burden has been created for employers.

Congress also asked GAO to determine if the antidiscrimination provision creates an unreasonable burden on employers. The law establishes procedures for Congress to repeal provisions of the law if GAO's third report finds a "widespread pattern" of discrimination caused "solely" by the law.

During the second year we have reviewed federal agency's implementation of the law, reviewed discrimination of complaints filed with federal agencies as well as data from state agencies and groups representing aliens and surveyed employers to obtain their views on the law's effect. Survey results were used to approximate the employer population, but have certain limitations.
Because the focus of today's hearing is on discrimination, I will briefly highlight our other findings in order to provide more details related to the discrimination question.

I do want to point out that we have an extensive outreach program which is consistent with your comments when you responded to one of our questionnaires.

With respect to the implementation of the law, in our opinion INS's overall strategy and approach to continuing to educate employers and enforcing IRCA is satisfactory. Our employer survey supports INS's decision to continue educational efforts and increase its emphasis on enforcement.

INS's policy of allocating the majority of available sanction resources to identifying employers of unauthorized aliens also seems reasonable.

We did, however, identify three areas where improvements could be made. One, collecting data systematically on the use of counterfeit and fraudulent documents; two, distinguishing between employer voluntary
compliance and employer compliance based on INS visits; and three, verifying that employers have provided all required I-9s.

With respect to the regulatory burden caused by the act there is insufficient data for us to determine if the implementation of sanctions has created unnecessary regulatory burden for employers. While our survey indicates that the direct cost of the law to employers may be about the same as INS originally estimated, the impact of the law on reducing the illegal immigration and employment is uncertain.

With respect to discrimination, our review of the data did not establish a pattern of discrimination caused by employer sanctions or an unreasonable burden on employers. We reviewed discrimination charges filed with the federal agencies, surveyed randomly selected employers nationwide, reviewed complaints of discrimination received by others, and surveyed state and local agencies who enforced their own discrimination laws.

The office of Special Counsel in the Department of Justice responsible under the law
for prosecuting discrimination charges had received 286 charges as of September 1988, of which 89 have been closed and 197 are still open.

As of September 1988, the Equal Employment Opportunity Commission, the agency that administers Title 7 of the Civil Rights Act of 1964, prohibiting national origin discrimination, had received 148 charges related to the new law. Of these, 64 were still in process and 84 were closed. 54 charges were filed with both agencies. In addition, five EEOC district offices reported 15 IRCA-related charges having filed with state and local human rights agencies, of which ten were filed with the New York State Department of Human Resources.

Our survey results show that employers who were aware of the law were unclear about, one, the authority to hire a U.S. Citizen rather than an authorized alien when both are equally qualified, that was about 332,000 nationwide, and, two, discrimination penalties under IRCA, about 248,000.

The GAO survey, however, did not collect data on that number of authorized workers
who were fired or not hired. For this reason the
survey results cannot be relied on to show that
the law has caused a pattern of discrimination.
Nevertheless, policy makers, like yourselves,
should be concerned about employers who may have
begun or increased unfair employment practices.

We surveyed 104 state and local
agencies that have forced discrimination laws in
their respective jurisdictions. Of the 81 who
responded to our questionnaire, 19 said they were
generally unfamiliar with IRCA's
antidiscrimination provision. Furthermore, 44
had not received information about OSC's forms
used in filing a charge. I might add that both
this Commission and the New York State implied
that they knew or were very familiar with the
antidiscrimination provisions of the law and had
filed charges or referred charges to OSC.

The Center for Immigrant Rights
located in New York City operated a telephone
Hotline to collect complaints. They received 18
calls from workers who said they were authorized
to work but were fired or not hired, and 45 calls
dealt with work force abuses.
The Mexican American Legal Defense and Educational Fund, in conjunction with the American Civil Liberties Union and a Los Angeles-based coalition received 194 complaints about IRCA-related employment practices. MALDEF's Chicago office received 59 complaints. The Chicago Commission on Human Relations received 122 alleged IRCA discrimination-related complaints.

The New York State Assembly Task Force on New Americans in conjunction with several community organizations sponsored a public hearing on November 2, 1987 to assess the effects on employer sanctions in the State of New York on employers and employees, immigrants and U.S. citizens, unauthorized and legal residents. During the hearing several advocacy groups and individuals gave testimonial evidence on employers' actions related to the law.

While the number of discrimination charges filed to date is not sufficient to determine if a pattern of discrimination exists, GAO's survey shows that one of about every six employers who were aware of the law may have
begun or increased unfair hiring practices of, one, asking only foreign looking or foreign sounding for work authorization documents; or two, hiring only U.S. citizens.

This information, however, indicates a need for more public education and further investigation. To help assure the nation's employers do not react to INS's increased enforcement of sanctions by concurrently increasing discrimination, we believe that a more coordinated federal effort is needed to educate the public about IRCA's antidiscrimination provision. Again, this is consistent with your survey comments in responding to our survey, you advocated that as well. If this is done, employers may be less likely to engage in unfair employment practices and persons discriminated against should know about OSC and the legal remedies in IRCA.

This concludes my statement. I am sorry, the report was issued yesterday, and we did try to get a copy up to you as soon as we could.

DR. BRANDON: Thank you. Yesterday
the Commonwealth of Puerto Rico reported widespread discrimination against Puerto Ricans who are citizens as a result of IRCA. Had you contacted the Commonwealth and how do you explain that report?

MR. BLUME: That report I am not familiar with. Let me respond in a couple of ways.

First of all, there may be a widespread pattern of discrimination, but from our point of view Congress has mandated that when it is caused by employer sanctions, that means an employer taking one of two kinds of actions, either not hiring or firing authorized workers because of sanctions -- that's an important distinction to understand, because Congress understood the discrimination was going to occur.

With respect to the problems that Puerto Ricans are facing, we are trying to collect data on changes in their employment practices before and after IRCA, to try and identify what may be disparate treatment that they are now suffering or could be suffering.
That is in our report, both in our first and second report.

DR. BRANDON: Have you done outreach to immigrant and ethnic communities?

MR. BLUME: Yes, sir. We are doing work in five regions. New York City is one of them and Mike Savino and his team have made many contacts with people on your list and other organizations including MALDEF. We have regularly contacted these organizations and they have actually provided us with data I quoted today.

DR. BRANDON: The overwhelming testimony at yesterday’s hearing was that IRCA had caused widespread discrimination.

What kind of evidence would be sufficient for GAO to find a pattern?

MR. BLUME: That’s a very difficult question. First of all, the causal relationship is one that makes it very, very difficult for us. I think our employer survey is one that we will rely on, and we are going to redo it again in the second year to try and really focus on what people are doing and why they are doing it.
We sent out 6000 questionnaires. We ended up with about 4200, a response rate of 80 percent. Our universe is approximately 4.2 million, which gives us probably the best collection of data on the issue that I have found to date.

One of the things we are concerned about is yes, there are problems but we have to try and look at it from a systemic point of view. That's one of the difficulties we have. I think the second questionnaire should help us a lot. Therefore, we can make comparisons.

DR. BRANDON: Commissioner Lau-Kee.

MR. LAU-KEE: I just glanced through the report because I got it a couple of minutes before the hearing.

MR. BLUME: I apologize.

MR. LAU-KEE: That's okay. I had a couple of questions more on the conclusions that were drawn. I have read your first report. And basically, what I didn't find is any sort of indication of what the GAO would consider, number one, discrimination; number two, pattern of discrimination. Could you just highlight those?
MR. BLUME: First of all,
discrimination has to only be related to, from
our point of view, the hiring and firing of
authorized workers. So that, for example,
mistreatment in the work place, regardless of
whether it is authorized worker or grandfathered
employee would not fall within our jurisdiction
under our review.

MR. LAU-KEE: How is that defined?
Because I know that discrimination -- of course,
I don't want to get into semantics -- but that's
a very narrow definition, I would think.

MR. BLUME: No need to. You are
absolutely right. That's what the law requires
us to do. We are collecting, and I would point
out because I want to get to your second question
of what we looked for, but the law does require
us to look at that specifically.

I will point out to you in our
report we do point out other situations, and I
can't recall the specific page, it is the end of
chapter 3, we do point out there is some concern
about the protection of workers who may be taking
abuse from employers and we think there are some
loopholes in the law. We do point that out to Congress, for just the point you are raising, Commissioner.

MR. LAU-KEE: I would just hope that -- we are involved in the discriminatory aspect of that -- that that would be given what we feel is its due emphasis in any subsequent report and that the narrowness of the definition would be highlighted.

The second thing --

MR. BLUME: I didn't respond to your other question. Is it a question I have have to necessarily answer? You don't want -- it is up to you.

MR. LAU-KEE: I prefer that you do.

MR. BLUME: What we will try and do, and I emphasize the word try, is to look at the key industries and the key location where we see patterns emerging for discrimination.

Let me talk about where I grew up in Connecticut. If we found problems in Meriden, Connecticut, but not in cities like New York, Los Angeles, Dallas, Miami, Chicago, where the majority of the alien population tends to reside
according to the Bureau of Census, we would sort of say that's maybe not as significant. Also in the key industries that traditionally employ these aliens, the food industry, the construction area, the agricultural industry. If we start to see major discrimination pattern in those industries, we then would start to be concerned, more so in the sense that would start to establish a pattern.

MR. LAU-KEE: I guess what confused me in the report was -- in other words, the sheer numbers of cases or the trend itself towards discriminatory practices would not in and of itself constitute a pattern?

MR. BLUME: I am concerned a little bit about numbers, Commissioner. Because, as you probably, and everyone here has heard, people that have been living in the shadow of our country, they are reluctant to come forward and file charges of discrimination. So while we do collect and consider it very important data that the office of Special Counsel and the EEOC identifies as well as yourselves, that may be only the tip of the iceberg, which I think
Dr. Brandon in his comments pointed out in responding to our questionnaire, that that was a problem.

Right now it is also just being enforced, the law, and we don't really have a good understanding of how much employers do or do not understand. That's our other aspect that we support which I think is really crucial, that the Office of Special Counsel, along with the other agencies, the Department of Labor, EEOC and INS, really enforce the information to the public about the responsibilities under IRCA.

MR. LAU-KEE: I guess I am concerned, and I hope you don't mind if I harp on it, because the conclusions that the GAO reach have such profound implications under the current law, I mean Congress is really relying on your agency to come to the conclusions and based on their conclusion, they may or may not take certain actions, but a pattern -- let me take the link that you just proposed right here.

From your report I see that there is probably what might be considered a very significant problem that requires education,
namely, a fair percentage of the employers are 
not, number one, not aware of the law; number 
two, those who are aware of the law don't really 
understand it.

Would you say if in fact that's 
true, that in itself would probably lead to 
discriminatory practices?

MR. BLUME: No, sir. Again, it may 
be to discrimination, but what I would point out 
is, is it caused because of sanctions. That is 
where the Congress came in.

MR. LAU-KEE: I know that word is 
highlighted solely because of IRCA, but would 
that in your opinion possibly lead to --

MR. BLUME: I know where you are 
coming from.

MR. LAU-KEE: I don't want to get 
tripped up on the word "solely" and that is a 
very critical word. I think some get hit with a 
double whammy, it gets narrowed at one point and 
narrowed further. Then when you come up with the 
conclusion that constitutes discrimination, you 
come up with practically nothing. I don't want 
to see it funneled out and then funneled out
again.

MR. BLUME: I hear your concern. Congress in debating the bill, and you are aware that it probably debated it over ten years, one of the things they were concerned about is they recognize that people discriminate. I don’t think I need to preach to an organization like this about the problems of discrimination. But what they were concerned about was are employer sanctions causing that discrimination, because then it would be the law.

Our concern is, to get back to your question, if employers don’t understand the law it is pretty hard to assume they are discriminating because of the law.

MR. LAUKEE: Your definition of discrimination depends solely upon intent as well. In other words, an employer has to say that I am going to discriminate consciously, I am going to use it against somebody, is that correct?

MR. BLUME: Yes -- well, because of sanctions I am not going to hire this person or I am going to fire this person who is authorized to
work.

MR. LAU-KEE: It does not cover --

that definition does not cover a situation where
an employer says that I may get them to work for
less than minimum wage; it does not cover that?

MR. BLUME: That's correct. Again,

I apologize. The report was just signed
yesterday, but I would call your attention to our
questionnaire, question 17, 17A 10A, 7A.

Those are the questions we looked to
to try and trigger that problem. Some people say
why didn't you ask the direct question. Why
didn't you say: Mr. Employer, do you
discriminate and do you discriminate because of
sanctions? When we first were testing this
questionnaire in New York City as well as
elsewhere, people said no one will answer that
question truthfully. No one will tell you they
really do break it and break it because of
sanctions.

We were surprised when we found out
about 16 percent said they were taking action
that could be inconsistent with the law and they
could be doing it because of sanctions to some
degree. The causal relationship wasn't that strong and we couldn't really take that strong a position on it. We are going to try and do it in our second questionnaire. We do recognize that.

But the Congress, just to pick up the problem as to what you are talking about, Congress gave us two interesting mandates. Not only a widespread pattern of discrimination, caused by employer sanctions, employer sanctions would go; the second is no significant discrimination. If that goes, the Office of Special Counsel disappears.

MR. LAU-KEE: That I find even more troubling. I am very careful about language and I see that you are trying to stir up some very difficult conclusions in those that you drew. One thing I saw which was weighted wrong, to me, verbally, that is basically you drew two conclusions, and let me just link up two things here, if I may.

May I take the time to do this?

DR. BRANDON: We are running over, but we can have a little more time with the GAO.

MR. LAU-KEE: I would like to look
at two conclusions that you drew, both in the first report and the second record. One is regarding whether or not the reporting requirements are an undue burden on the employer. Your conclusion was there was insufficient data to determine that. On the other hand, your conclusion as to whether or not there were any patterns of discrimination was worded a little bit differently. Rather than say there was insufficient data for that, you said does not establish a pattern of discrimination. To me that's getting very close to saying that the evidence, to change a couple of words, shows there is no discrimination, which made me feel very uncomfortably close to the opposite conclusion, which you were very careful in other parts of the report to state you couldn't find insufficient data for, you might find there was no significant discrimination under the law.

Could you just clarify that for me?

MR. BLUME: Let's take the first question, which is the question you talked about where there was insufficient data. In this report what we have done to address the burden
question was look at it from two points of view, that is, the cost to the employer to carry out their responsibility; that is, to sit down with the newly hired individual and prepare the I-9, that form that they are required to determine the authorization to work and the identity of the new employee. We tried to get a handle on how much it cost to prepare that form in terms of time. Our analysis, based upon the questionnaire, showed that it really didn't seem very large.

But we have a more fundamental question. Is it not a large and undue regulatory burden if the intent of the act isn't being implemented? What I mean is if Congress intended that this law would stop the flow of illegal aliens or unauthorized people into the country and their employment, if we found that there were changes in the flow of unauthorized workers into the country and finding jobs, we then could assume that the law had some positive effect, what Congress desired. That is the benefit side, if you will, or the effectiveness of the law. Because the indicators are so
difficult to measure, both flow into the country and in employment, we really can't reach a conclusion at this time.

MR. LAU-KEE: As to which point?

MR. BLUME: Whether or not there is a burden. But I would venture to say that we will, pretty much sure we will take the position on the third question. We didn't feel there was an urgency to do it.

On the discrimination question, we felt more comfortable in the first report because there was very little data, and we didn't mind saying that the data to date doesn't show it. The questionnaire data, while it gives us some concern and we believe policymakers should be concerned about it, we don't again believe it is strong enough for us to prove that the law has caused a widespread pattern of discrimination.

So I think it is a question of what we believe from our evidence point of view of what we looked at. We recognize that's a judgment call. The comptroller general himself, when briefed on this job, said we will be making a judgment because there are no "boundaries or
guidance" as to what is the definition for these terms.

MR. LAU-KEE: That's the judgment question I really want to focus in on. Let me approach it a little different way. Given your current methodology, do you think that it is possible for you to conclude, maybe in your third report, that there is no significant discrimination?

MR. BLUME: I would say in our third report, based upon what we have just agreed to within the office of the General Accounting Office, our questionnaires will be sent in a way, if we get a response rate, we will hope to answer that question as definitively as we can so the Congress can in turn use our report to take whatever action it feels appropriate, whether it be using the trigger mechanism, the expedited procedures to repeal the act or whether it decides irrespective of what GAO says it wants to take certain action and go the waiver channel. That's why we are putting all that in the report.

MR. LAU-KEE: Could you just
highlight for me then, because I think it is a
very important distinction, what the distinction
would be between the GAO finding that there is a
widespread pattern of discrimination based solely
upon IRCA versus a finding of no significant
discrimination.

MR. BLUME: Sure. A widespread
pattern of discrimination caused by employer
sanctions would enable Congress to use expedited
procedures, which is I think a joint resolution,
is all they would have to pass, and employer
sanctions would no longer exist. Section 101
would no longer be in existence, nor would 102,
the antidiscrimination provision.

If we find no significant
discrimination and Congress were to agree, the
Congress then would eliminate the Office of
Special Counsel and the penalties that employers
could be subjected to for discriminatory action.

MR. LAU-KEE: Also involved in that,
if you found no significant pattern of
discrimination, also what would be repealed would
be the antidiscrimination provision.

MR. BLUME: That's correct. 102.
Office of Special Counsel and the remedies, the antidiscrimination provision would no longer exist. If Congress agreed and we drew that conclusion. If we took some place in the middle, that is, we found not a widespread pattern of discrimination and we found that discrimination, however, was occurring, that was in our opinion significant, and Congress agreed, the Office of Special Counsel would stay as well as the employer sanctions provision.

MR. LAU-KEE: Now the loaded question. Do you think that the way Congress has posed those questions to the GAO, that it is easier given the current methodology and the prospective methodology, that it would be easier for the GAO to find there is no significant discrimination rather than the other way, that there is a widespread pattern solely based on IRCA?

MR. BLUME: I would say if you asked me today, I would probably have taken the middle ground on both questions. We didn't find a widespread pattern and the discrimination in our opinion was significant enough that the Office of
Special Counsel should remain.

MR. LAU-KEE: So, in other words, if you found no significant discrimination both the --

MR. BLUME: If we found --

MR. LAU-KEE: That doesn't even trigger it. Under the law if you found there was no significant discrimination and the Office of Special Counsel stays and the antidiscrimination --

MR. BLUME: If we found no sufficient discrimination -- we have no authority to do anything -- and if Congress agrees.

MR. LAU-KEE: But if your finding was --

MR. BLUME: No significant discrimination and Congress agreed, the Office of Special Counsel would no longer exist and the remedies available to employees who were discriminated against would no longer exist, except for EEOC under Title 7.

MR. LAU-KEE: If you did not make that finding.

MR. BLUME: If we found
discrimination was significant?

MR. LAU-KEE: Significant.

MR. BLUME: Then Congress could not repeal the Office of Special Counsel unless it passed specific legislation.

MR. LAU-KEE: What's the standard between the standard of specific discrimination and widespread discrimination based solely on IRCA?

MR. BLUME: I can honestly say I didn't write this legislation. But that is a difficult situation. I think significant discrimination can be used as any kind of numbers that you can look at. Widespread would mean that it would be nationwide. For example, if we found significant numbers of cases found in New York and Miami, we might continue to see that a continuing problem. If you want to hear, which was interesting, and I think you had someone here from the Office of Special Counsel yesterday, we talked to Mr. Siskind, the head of the office, and there was an interesting comment he made. He said it could be that they are so overworked handling discrimination complaints, but yet GAO
could find no significant discrimination caused by employer sanctions, that his office could disappear, which is an interesting concept.

MR. LAU-KEE: That's right. It just concerns me because the concepts that you are working with in your office, basically it is up to your agency to have the definitions made, significant or whatever. And it is always possible that an artificial definition is going to work a hardship and not really reflect the realities of the situation. And I am just concerned the way the definitions are set up, the way the language is set up, the way the process is set up, it almost seems as if it is skewed. I am not questioning the fairness of the agency but I am just saying the way it is set up is kind of lopsided.

MR. BLUME: I agree, and what we are trying to do, our Office of General Counsel, is trying to research it to see whether or not we can find some guidance in the legislative or court cases to give us help there. I don't know if we are going to find any. Usually most cases of discrimination are against an employer or an
organization and not against the group, the
entire employers of the nation. So it makes it a
little difficult.

I agree with you. I think what
happens when Congress was passing the law they
got caught with a number of problems and they
were looking for ways to address various
concerns. One, they were concerned with how to
protect our borders. I think you could argue
very strongly, as the representative from the
City was pointing out, that aliens coming to this
country have been a blessing and helped our
country grow. I think there are people who would
argue that we have problems with unauthorized
aliens in this country. You can find support on
both sides.

Congress was concerned about the
protection of our borders and they felt that
employers should only hire authorized workers,
which is consistent with other nations, other
western nations who have similar kinds of laws.
Then they were concerned with the discrimination
question and the regulatory burden question.
There was concern by some people in Congress when
the legislation was going through, that people
would take advantage of this law to raise all
sorts of questions and to use it as a means to
attack employers. I think Congress went through
a lot of gyrations in trying to resolve it.

We are clearly aware that these
words, which we have in our report, have
tremendous ramifications. One of the reasons the
report was a few days late this year was just
because we were debating in our own office how we
should present the information. The comptroller
general wanted to make sure the report was well
done and methodologically sound.

MR. MAPP: This was just put on my
desk so it may answer itself.

Have you made any particular efforts
to focus on the extent to which IRCA has
discriminated against Puerto Ricans, since they
do enjoy a unique status as American citizens?
Some of the testimony given yesterday indicated
that's true.

MR. BLUME: In our report, and I
don't have the page reference, but we do have
some data, and I can probably find it by looking
at the table of contents if you will just bear with me.

It is in one of the indicators, probably around 58 of our report. We are trying to collect employment data on Puerto Ricans. The Commonwealth has a placement service in New York and four other cities throughout the nation. What we are trying to see whether or not there is any change in employment practices. We feel that would be an indicator if all of a sudden their placement rates started to drop or increase. We recognize there are other things that can cause that such as a change in local economies.

We also point out it is not just Puerto Ricans, but Asians and other minorities that data is collected on and we might be able to try and track some of that. Again three years most people say is not long enough to identify these kinds of situations, these trends, and that's a limitation we have.

DR. BRANDON: Commissioner Russo.

MS. RUSSO: I just want to ask one quick question. It is very unusual, I think, to measure discrimination and ask a particular group
as to whether they discriminate. I think I find it disturbing that so much of your conclusions were based on employer surveys. I understand what you said that 16 percent of employers acknowledged, but it seems a little strange to me.

MR. BLUME: I would agree. I think the better mechanism would be the Office of Special Counsel, EEOC, or organizations set up, like the state and local agencies that administer various discrimination laws. The problem is that by the time a case goes through, by the time people even come forward, they would be such small numbers, that we looked for another way to do it. We are looking at the potential abuser of the employee as opposed to looking to the employee. How do we get a handle on employees is extremely difficult. I believe the Ford Foundation is trying to do something on that and if they have the results we will pick up on it. They are conducting some studies with the Urban Institute.

MS. RUSSO: Community groups you don't see as viable?
MR. BLUME: We most certainly do. In our report we have all the data we can. Again, the City of Chicago passed a law that suggested one of its commissions supply us with data. We are dealing with MALDEF and anyone else. We are looking for ways in which we can effectively obtain data that we can use.

The problem we have is that some of the data, and the people you have before you today, that have come before me and will follow me, may or may not be authorized workers, may or may not have been discriminated because of sanctions. While that's extremely sad, their stories are extremely important and should not be downplayed, but from our point of view Congress has given us that mandate.

I would like to say that I have my own personal views, but the GAO is an agency that works for Congress and we are mandated to do what Congress asks. They are aware of the problems that you are talking about and we have briefed them regularly on what we are finding in our approach and the limitations of our approach.

MR. LAU-KEE: Have you had a chance
to review the New York study recently?

MR. BLUME: Yes.

MR. LAU-KEE: Do you have any comments?

MR. BLUME: Yes, I do. I am glad you asked me. One, it appears to be a well designed study. However, we have some limitations on it. One, it does not provide enough data to evaluate how they did their methodology. If you refer to page 32, they don't talk about their nonrespondents. They have 400 people that they have data on, but what about the people they that didn't respond. How did they arrive at the 400. They may have done this very soundly but we cannot tell. If you look at our questionnaire, you can see some of the problems we had with our questionnaire.

The way that some of the questions are worded may give somewhat of a biased answer or biased response. I am not saying it did but it could. For example, question three on page 49. Also the questions were asked in an open-ended nature.

When you ask a question like that it
relies on the interpreter, the person receiving the response, to decide how to classify that response. Meaning, for example, if the five of you were out asking questions, you may or may not interpret all the responses the same way. We prefer a more closed questionnaire response. Again we used our example in our Appendix 2 and the questionnaire in Appendix 4 that we extend to you.

Also the probes, the follow-up questions asked I am not sure are really neutral in nature. Again they may have very good answers how they did that that but our concern is, based upon a quick reading of the report, we are not sure of the terms they use for discrimination, harm, widespread and large scale. Some of the same questions you were asking me, I think could be asked of them.

The case studies they used were really more anecdotal information and they were not verified or checked with documentation. But I want to point out some of the similarities of the report, which is easy for me to secondguess someone. One, the lack of employer awareness of
the law, we both agree on that, that those aware
of the law are engaging in prohibitive practices,
we both agree on that. We may argue about the
size, the number. Again, more education is
needed, we agree with that. With respect to the
recommendations, we are considering including
this report in our third report, so we will pick,
try and pick up the results of this and include
it for Congress's use. Recognizing the work
place issue, we do recognize that problem.

Again, as I said on page 35, we talk
about it. In our Social Security report we were
mandated under IRCA to look at the Social
Security documents, whether or not the Social
Security is a vulnerable card. We do point out
in that report some of the disadvantages of
having multiple documents that employers must
look at.

Again on page 60 they make
recommendations for more education, which we
support. We think that should be done
immediately. By the way, the Office of Special
Counsel and the other agencies, EOL, EOC and INS
agree they need a coordinated effort. The scope
is to include five cities, one of which they
asked is New York and we have included that city.

So I think on balance they have done
some good work. I would like to see a little bit
more how they did it and we hope to meet with
them to discuss the methodology and also include
their information.

MR. LAU-KEE: One last question.

Your report says that a fairly large percentage
of employers are engaged in what I think the
terminology is discriminatory practices.

MR. BLUME: Unfair employment
practices.

MR. LAU-KEE: Unfair employment
practices. That is obviously not the same thing
as what you mean by discrimination for your
purposes; is that right?

MR. BLUME: I think it is getting at
it. We had a problem -- we collectively grouped
three questions together. What we did is, we
used a synonym, unfair employment practices,
practices not permitted or authorized under the
act. Were employers selectively screening only
those that looked or sounded foreign. For those
employees that were hired were they then going to be asked for additional documentation based upon looking or sounding foreign.

The third question was, did you have a policy of hiring U.S. citizens only? In those three we felt if we could have shown the causal relationship, could have demonstrated that the act was causing discrimination, but we couldn't do that. The questionnaire responses were not statistically significant.

MR. LAU-KEE: Why did you ask that if your definition of discrimination is so narrow?

MR. BLUME: We asked that question and we asked, why do you do that. If we got positive responses on that, if people said they were doing it in statistically large numbers and we were able to say, why did you do it because of sanctions, yes or no, and we got a large number of yeses, we could have drawn that relationship. That was a soft way of asking the question. The reason we didn't ask it directly is because we were afraid employers would not respond.

Despite being an anonymous
questionnaire, people don't like to say they do anything that is socially unacceptable. People told us they wouldn't answer the question if we asked it point-blank. We are going to try to address it in our questionnaire next year. It is whatever action Congress so deems.

MR. LAU-KEE: It reinforces my feeling it is very hard to establish the link there between solely, and you said that in your report.

MR. BLUME: We said it before and most people when they asked us about the job, even when we talked to some people in the City of New York when we first started, Elizabeth Bogan, and people like that, sort of smiled at us and said, I am glad GAO has that job because I don't think we can do it.

MR. LAU-KEE: Just to reiterate my point, I hope that it is not easier for the GAO to find no significant discrimination.

MR. BLUME: I assure you it won't be.

DR. BRANDON: Have you conducted any public hearings to determine that?
MR. BLUME: No. We have no authority to do that. We could but we are not in a position to handle cases of discrimination. If someone were to turn a case of discrimination over to us or suggest we look into it, what we would do is refer them to the Office of Special Counsel, EOC or a state or a local agency. We do not have any authority to review a case as such.

DR. BRANDON: One last question.

What exactly did you do in New York?

MR. BLUME: In terms of outreach to groups in New York City.

MR. BLUME: I can't think of exact names of organizations but I know we met with some of the union people, one of whom I think is a member of your Commission or panel. I can get his name, and there were two others we met with, City people, State people, met with your Commission, people that prepared the New York State report as well as the AFL-CIO. In fact, the person that follows with me has been dealing with our staff. We looked to anyone who has data. We will make a decision as to how we will present it but reasonable data is presented
fairly and objectively, at hearings such as this, we have included in our report. I can't think of any data we have not accepted.

    DR. BRANDON: Thank you very much.

    MR. BLUME: I appreciate the opportunity to be here, and I apologize that the report was a little late.

    DR. BRANDON: Our next testimony comes from the American Civil Liberties Union, represented by Ms. Judy Rabinowitz.

    MS. RABINOWITZ: Lucas Guttentag was supposed to be here today and he apologizes but he was unexpectedly called out of town. He has asked that I deliver his testimony; and I will be prepared to answer some questions.

    The ACLU has long been concerned that employer sanctions law would lead to an increase in job discrimination against ethnic minorities, the foreign-born and persons who are not citizens of the United States.

    Unfortunately, as these hearings confirm and as the recently released report of the New York Task Force confirms, the discrimination we feared is in fact occurring.
In light of this, we would like to offer a few brief observations on the extent to which current law is inadequate to protect aliens against discrimination at the workplace. At the outset, however, we want to emphasize that we are not yet experiencing the discriminatory impact that employer sanctions will have in the New York area. This is so because employer sanctions went fully into effect just recently in June of 1988. Until that time, employers who violated the sanctions law were subject to a citation, not a fine, only if they had first been visited by a representative of the Immigration Service and had the law explained to them.

In addition, the Immigration Service has not engaged in widespread workplace raids or enforcement activity in New York City since sanctions went into effect. When such enforcement activity begins occurring and as significant penalties under the sanctions provision are assessed, the incentive for discriminating against anyone who an employer believes looks or sounds foreign will increase significantly.
I would like to point out that although we have not had a chance to review the GAO report either, I did get a report to glance through it coming here. I believe it is on page so where they actually point out that there is a higher incidence of unfair employment practices among employers who had been visited by the INS. So I think that this point we are making may actually be borne out.

When Congress enacted the Immigration and Control Act of 1986, it recognized that the employer sanctions provision of the law could lead to increased levels and new forms of employment discrimination against noncitizens and ethnic minorities on the basis of their national origin or alienage. And that the existing laws are insufficient to remedy this effect.

In response to this concern, two provisions were added to IRCA. The first requires annual reports by the General Accounting Office for three years, to determine whether implementation of employer sanctions has resulted in "a widespread pattern of discrimination."
The second prohibits "citizenship status" and "national origin" discrimination by any employer who employs more than three workers. These twin provisions were designed to minimize the discriminatory effect of sanctions and to document for Congress any discrimination that nonetheless occurs.

The national origin and citizenship status antidiscrimination prohibitions of IRCA, section 102 (codified at INA section 274B, 8 U.S.C. Section 1324b), were added because Congress recognized that existing federal discrimination statutes, particularly Title VII of the 1964 Civil Rights Act (codified at 42 U.S.C. Section 2000e, et seq), could not alone combat the new discriminatory pressures generated by employer sanctions. The new IRCA prohibitions apply to discrimination in the hiring or recruitment or referral for a fee, or the "discharging" of an individual on account of either national origin or citizenship status.

National origin discrimination is defined as treatment based on a person's ancestry, country of birth, or the physical,
cultural or linguistic characteristics of a national origin group. Under IRCA, every employer with more than three employees who is not already covered by Title VII is prohibited from discriminating on the basis of national origin. Thus, any alien authorized to work and every citizen who works for an employer with four to fourteen employees is protected by section 274B's national origin provision. (Individuals who work for larger businesses continue to be protected by Title VII.)

Citizenship status discrimination prohibits discrimination on the basis of citizenship status against American citizens for what the law has defined as intending citizens. This provision applies for all employers with at least four workers no matter how large the work force. There is no other federal law that explicitly protects noncitizens against employment discrimination on the basis of their alienage.

Despite these efforts by Congress to enact a meaningful antidiscrimination provision, it is now evident that significant loopholes
remains.

First, IRCA citizenship status protections apply only to those aliens who qualify as "intended citizens." Under the law this is a narrowly defined category that includes only legal permanent residents, political refugees and asylees, and certain aliens who obtained legalization under IRCA's amnesty program.

Many aliens are left unprotected. These include the many categories of aliens who are authorized to engage in employment based on a temporary student, business or exchange scholar visa. More significantly, only some amnesty aliens are protected. Those who obtained legal status under the Special Agricultural Worker ("SAWS") provision are not within the definition of "intending citizen" and thus cannot invoke this provision of IRCA.

IRCA's antidiscrimination prohibition is further limited because it does not make clear whether persons who have applied for but not yet been granted legal status can invoke the law, even though as applicants they
are authorized to be employed. The regulations so far provide that the only applicants who are protected are those who have applied for legalization. Protecting this group is a proper and laudable interpretation. However, this is a one-time only population and leaves without protection the much larger and always-present group of aliens who applied for and are awaiting decision on their applications for political asylum or for permanent residence under the normal admissions procedure.

In many instances these applicants are the most vulnerable individuals because they must obtain employment verification from their employer in order to finish the application process. Yet they are not protected against discharge if the employer fires them while their application is pending. The ACLU currently represents such an individual because the Office of Special Counsel, which is charged with enforcing this antidiscrimination provision, has asserted that applicants are not protected by the law.

Finally, the antidiscrimination law
is limited because even if an alien can satisfy
the two requirements we have already addressed,
he or she qualifies as an intending citizen only
if he or she executes the government form called
a "Declaration of Intending Citizen."
Significant controversy and confusion has arisen
over whether this form must be executed before
the act of discrimination occurs or whether it
can be executed when a discrimination charge is
filed.

Recently an administrative law judge
in the first discrimination case to go to trial,
decided that the form must be executed before the
discrimination occurs. We are informed that
regulations to reverse this interpretation are
about to be published. If they are not, another
whole category of aliens will be deprived of
protection under IRCA even though they had no way
of knowing that the declaration form had to be
executed.

Finally, as you know, many aliens
living in the United States have not benefited
from the legalization program and remain in
unlawful status. As a result of employer
sanction, they are susceptible to even greater exploitation than they were before IRCA became law. For that reason, it is all the more critical that every person, including every alien, working in the United States, regardless of their immigration status, continue to be protected by existing labor, safety, wage-and-hour, and equal opportunity laws.

At first glance it might appear that affording protection to undocumented workers is inconsistent with the purpose of employer sanctions, namely, to remove the availability of jobs to aliens not authorized to work.

In fact, however, as Congress has recognized, the opposite is true. If some workers are not protected against unsafe and exploited in working conditions, then unscrupulous employers will have economic incentives to hire and take advantage of undocumented workers.

For that reason courts have continued to hold that Title VII, OSHA, and the Fair Labor Standards Act protect all workers, regardless of immigration status. That is
consistent as well with the U.S. Supreme Court's
decision in Sure-Tan v. NLRB, 467 U.S. 883
(1984), which held that undocumented workers are
protected by the National Labor Relations Act.

In light of the limitations of
IRCA's discrimination provision, extending the
jurisdiction of New York City Commission on Human
Rights to prohibit discrimination on the basis of
alienage would be consistent with federal
judicial precedent and would constitute a
significant step towards increasing the legal
protections afforded New York City residents who
are currently vulnerable to discrimination and
exploitation.

Thank you very much. I would be
happy to respond to any questions that any member
of the Commission have.

DR. BRANDON: Thank you. You did
answer in the end one question we have been
asking.

I would like to ask you also, do you
think it should be against the law for a bank to
use as a requirement one's status, whether
authorized or unauthorized?
MS. RABINOWITZ: We are opposed to an alien status being used for any type of basis of discrimination, for banks, housing, insurance, public services. I would agree with what Councilwoman Friedlander said, there are other considerations and they should be putting those in neutral terms but an alien should not be used as a proxy for those other concerns.

DR. BRANDON: Thank you.

Our next testimony is from the New York City Assembly Task Force on New Immigrants.

Mr. Jordan.

MR. JORDAN: Good afternoon. The New York State Assembly Task Force on new Americans is the name of the group.

Dr. Brandon, members of the City Commission, my name is Howard Jordan and I am Executive Director of the State Assembly Task Force on New Americans.

I would like to apologize because our chairman wanted to be here but could not due to other legislative business, but he did ask I convey to you personally his support of your efforts and our willingness to cooperate with
you.

Little did I realize that the issue of discrimination would become so complicated as time went on. Anyway, I would like to thank you for inviting us to give testimony on this topic of great concern to us all.

Employer sanctions and potential discrimination under IRCA has been a preoccupation of our Task Force for quite some time. We are a Task Force composed of 24 members of the State Assembly and we share this concern over the sweeping impact IRCA is having on all levels of the community, government and the public at large.

While IRCA had provisions for a limited legalization program, we agree that the cornerstone of the act is employer sanctions which fines employers for knowingly hiring undocumented workers. And it is having an unprecedented effect on immigrants, unions, employers, community organizations and the general public. There have emerged augmented levels of worker marginalization, increased anti-labor practice at the workplace, and
significant patterns of employment discrimination. It is this reality that prompted our Task Force in November of 1987 to hold a public hearing entitled "One year under IRCA, the impact of employer sanctions in New York."

At the hearing, which included participation from the members of the U.S. House of Representatives, the State Legislature, and the City Council, we had some very interesting findings from the 60 organizations that testified. I won't go into every deal because I recognize you are pressed for time. I will briefly touch on them.

1. Threat of sanctions leading to intimidation and unnecessary firings of undocumented workers hired before IRCA was enacted on November 6, 1986, expressly against both the intent and spirit of the law.

2. Fear of sanctions has caused discrimination against legal immigrants. The lack of employer training to help recognize acceptable documents for proof of legal status, combined with long delays in the replacement of lost documents by INS, is creating hardships for
legal immigrants.

3. U.S. citizens, especially Puerto Ricans in the New York City area, are suffering discrimination due to employers' fear of sanctions. Many employers do not recognize that Puerto Ricans are U.S. citizens and are not trained to recognize what documents (for example, Puerto Rican birth certificates) are acceptable as proof of citizenship.

4. Sanctions have made employers fearful of assisting current and former undocumented employees with their legalization applications.

5. That the INS has done an inadequate job of educating employers about employer sanctions and the anti-discrimination provisions.

While these findings in 1987 were a cause of consternation, if you look at some of the statements made by the GAO and in their report, the issue of discrimination becomes even more compelling, though I agree with Glen about what constitutes discrimination and how many angels can dance on the head of a pin.
The report notes that an estimated 1/2 million employers nationwide reported they engaged in discriminatory practices since 1986. And in an employer survey of 3.3 million aware of the law, their conclusion was 528,000 or 16 percent had begun or increased the practice of asking only foreign-looking persons for work authorization documents or hiring only U.S. Citizens. New York came in second only to Florida.

Of equal compellingness is the recent report of the Governor Cuomo Inter-Agency Task Force on Immigration which also noted augmented levels of discrimination after a survey of 400 employers. By statistical extrapolation they conclude that nearly 22,806 employers are discriminating in three ways: (1) refusing to accept legal valid proof of residency; (2) denying employment to those experiencing minor delays in gathering documents; and (3) screening those who look foreign.

These reports substantiate convincingly the concerns expressed by immigrant rights advocates that IRCA discrimination has
negative human and policy implications for the state of New York. Moreover, if one adds to these increased levels of discrimination anti-labor practices that limit union organizing, what emerges is a public policy nightmare. Undocumented persons have been made slaves to the workplace for fear of having to recertify, which undercuts the hard-fought gains of much of the labor movement. They must then submit to the degradation and denial of human dignity by abusive employers.

We do not wish to cast all employers as demons. Many employers are in a state of confusion over requirements of the law. Many are concerned over the requirement they keep records for three years or potential INS raids.

One can only view with a sense of tragedy the statement made to our Task Force by a Dominican "bodeguero." When queried as to the new law he stated, "I came to this country to better myself. Now I have a bodega and am being asked to fire and squeal to the INS on my relatives who work for me and who are also seeking a better life." A tragic statement for
a nation of immigrants.

I would also like to briefly discuss a particular concern of our Task Force, namely, the effect of sanctions on the Puerto Rican community. This particular group has been of concern to us because of the problems arising out of being Latino migrants from a Spanish-speaking nation who have been American citizens since 1917.

Puerto Ricans are suffering discrimination because employers do not recognize they are U.S. citizens and are not trained to recognize what documents, for example, Puerto Rican birth certificates, are acceptable. Even more telling has been the perception of these groups as new arrivals, pushing back the hard-fought gains of the Puerto Rican civil rights movement.

This reality led our Task Force to sponsor a forum on the impact of IRCA on the Puerto Rican community with cooperation of the Puerto Rican Family Institute, and other Puerto Rican organizations.

Puerto Rican organizations must
become informed of the potential this law has to retrench decades of Puerto Rican progress. Employers have been transformed into INS agents ill-prepared to distinguish between a Puerto Rican citizen and an undocumented Latino or Dominican or of Central American extraction. Employers make the presumption that if you are Spanish-speaking your citizenship is automatically in question, whereas perhaps a European American does not carry the same presumption. This institutionalization of second class citizenship portends dire consequences for the Puerto Rican communities of New York.

Numerous Puerto Rican community organizations today view employer sanctions and IRCA as another form of Latino-bashing. This regressive legislation, the product of the same individuals and organizations that promote immigrant xenophobic reactions and English only, are denying Latinos their share in the benefits of American pluralism.

In any event, IRCA discrimination has had and continues to have a negative effect on all New Yorkers. To the extent that
undocumented persons, for example, are driven further underground will limit their participation in the census count. This count will be used to determine Congressional representation in New York State.

Estimates of the Reapportionment

Task Force chaired by Assemblyman Angelo Del Toro indicate New York stands to lose three Congressional seats impacting on Federal funding.

Discrimination, as the late Martin Luither King noted, will always affect everyone because of the interdependence of humanity. Moreover, employer sexual abuse against undocumented women will limit the New York women's movement. One cannot attack the economic underpinnings of a state of immigrants and not expect adverse impact on every dimension of our quality of life. To address some of these abuses the Task Force has undertaken the following initiatives that might be of interest to the Commission: 1. At our request Congtressman Charles Schumer, whip of the New York State Delegation, has committed himself to review the
effect of employer sanctions on New York State
and call for Federal hearings.

2. We have recently introduced an
assembly resolution urging Congress to consider
repeal of employer sanctions. A similar
resolution has been introduced into the City
Council.

3. We have initiated along with
community-based organizations and labor unions a
Community-labor Immigrant Rights Coalition
(CLIRC) designed to monitor cases of
discrimination. Also CLIRC has induced the
participation of unions to engage in education
campaigns and stem anti-labor IRCA related
practices.

4. In conjunction with the Puerto
Rican/Hispanic Task Force we are developing a
comprehensive immigration legislative agenda for
the upcoming January session. Such an agenda
will include strengthening labor laws and
numerous other legislative reforms.

5. We are pursuing additional
budgetary allocations for next year's budget for
information and education campaigns, and
additional legal services.

Lastly regarding the efforts of Councilwoman Susan Alter to add alienage to discrimination practices, we endorse such an effort and are considering similar State legislation. Our only concern is that City agencies like the Commission be given sufficient budgetary allocations to ensure implementation. Having such a law on the books with the necessary staff would heighten expectations.

In closing, on behalf of Assemblyman Thomas Catapano, our Chairman, and the Task Force, we wish to thank you for affording us this opportunity. The City Commission on Human Rights, the City Council, and the State Legislature have demonstrated a continued commitment to securing the blessings of liberty for the undocumented community. But the reality is that the criminalization of work under IRCA will impact on all New Yorkers and all City, State and Federal officials of compassion must close ranks in a new coalition of conscience. Only by closing ranks can we eliminate the legacy of discrimination that continues to be a blemish
in this nation's diverse and pluralistic heritage.

DR. BRANDON: Thank you very much.

Any questions?

Thank you.

The next testimony is from the Advocates for Children, represented by Nancy Nevarez.

MS. NEVEREZ: Good afternoon. My name is Nancy Nevarez and I work for Advocates for Children of New York.

At Advocates for Children we are "Dedicated to the protection of every young person's right to an education." That means special education children, homeless children, children who have been suspended or who have dropped out of school, and immigrant children, whether they are documented or undocumented.

Today I am here to speak about undocumented immigrant children and to share what we have learned in our work on their behalf.

First, the numbers. The Mayor's office has estimated that there are between 400,000 and 750,000 undocumented people living in
the city.

According to the Columbia University Center for the Social Sciences, "roughly 18 percent or 46,000 of the city's undocumented population after May 4, 1988, will be children between the ages 5 and 16."

Last year Advocates for Children brought advocacy organizations together with the Board of Education in an effort to work on issues relating to immigrant children and their families. During that time the Chancellor has issued Memorandum 46 which reiterates the 1982 Supreme Court decision that all children have the right to a free public education regardless of their immigration status, as well as the Chancellor's regulation of 1979, "The monitoring of the immigration status of a child or a parent is not a proper function of the New York City Board of Education."

This group has also produced a regulation to be signed by the Chancellor which sets up liaisons in each school district to address the particular needs of immigrant children and their families. We know that
outreach to immigrant parents is critical, so they are aware that their children have an absolute right to a public education whatever their status.

We don't want to see another case like that of one immigrant mother who had not registered her severely (multiply) handicapped child in school until three years after they arrived in the U.S. Why? Because a neighbor told her there was a mandatory three-year waiting period before immigrants could enroll in school.

Even though the Supreme Court and the Board of Education assure immigrant children the right to an education, too often immigrant families do not receive a warm welcome at the school door. We are working on instituting workshops to train about the immigration law and to sensitize school personnel. They must understand that for undocumented persons coming from repressive regimes, school represents authority and government. Understandably, the parents want to stay as far away as possible.

Again, according to Columbia University's Center for the Social Sciences,
"because of the employer sanctions and increased enforcement provisions of the Immigration Reform and Control Act of 1986, undocumented immigrants can be expected more than ever before to become increasingly wary of public exposure that they feel could lead to their own or their family's deportation. This fear is likely to affect adversely parents' attempts to enroll their children in public schools.

According to pediatrician Garth Alperstein, who presented expert testimony at the AFC-sponsored hearing on the Status of Immigrant Children in the New York City Public Schools, stated, "We have seen children, 8, 9, 10 years old, who have been brought in for whatever to a clinic and we discovered that they aren't in school... because the parents are afraid they will be reported to to the INS."

Undocumented parents are not only fearful of educational institutions but of other institutions as well. Again, quoting Dr. Alperstein, "We have seen children sent in by the school at age of 6 when they have gone to register. These children have lived here for
five years but haven't had one immunization for
fear, again, of being reported to the INS."

It is critical for school personnel
to understand the tremendous stresses that many
immigrants, children and parents, experience.

Last year a Queens guidance
counselor called us for advice on how to work
with an eight-year-old girl from El Salvador.
According to the counselor, the girl was clearly
bright but was having a hard time in school. She
was despondent and had problems dealing with her
peers. It turned out she had come to the United
States only a year after seeing her father shot
dead before her eyes in El Salvador. AFC
referred her to a phychologist specializing in
working with children from war-torn countries.

Another expert witness, psychiatrist
Pedro Rodriguez, discussed the depression and
anxiety suffered by these children. "We think
the persistence of depression and anxiety in
these children is due to the peculiar situation
of the Central American immigrant, which is the
condition of being illegal, which means they
could be identified or they could be captured and
they could be sent back to their native countries where they will find again the same conditions of violence and repression."

The advocacy community can work with the Board of Ed to develop all kinds of outreach programs to immigrant parents, all kinds of programs to sensitize school personnel, all kinds of multicultural programs for children. All of these are absolutely critical. But what can we do for children whose parents are forbidden by our immigration law to work? What can we do for older children who need to work but cannot because they can't get Social Security numbers because they are undocumented?

What do we say to the 16 year-old Egyptian girl who called asking if we could help her get a job? Her mother, according to the immigration law, cannot work. Her family has no money. What do we say to her? What do we say when that 16 year-old says that she must drop out of school in order to help support her family? What do we say to her when she tells us us that for her "there is no future"?

What's going to happen is easily
predicted. Immigrants are not, for the most part, going back to their countries of origin. They are going to stay here because the U.S. has always represented hope for them and for their children. If they are undocumented but had jobs before November 1986 and are thereby covered by the grandfather clause of the law, they are literally locked into those jobs. In many cases they are forced to put up with long hours and dangerous working conditions. They cannot leave those jobs because they cannot, by law, get other ones. And those without jobs still need money.

Children of these families still need money. We know from speaking with families that many are hungry. "First feed the face - then talk right and wrong," writer Berthold Brecht cautioned us.

Must they have no recourse but to join an underground economy?

Education advocates know that the children of the undocumented are at risk. They are at risk because their parents cannot work legally and they must find some way to obtain money. The children are at risk because they
often come from war-torn countries and carry with them deep scars of fear and repression. The children are at risk because fear prevents many of their parents from playing any advocacy role in their education.

A classic example is that children classified as limited English proficient, a large part of the immigrant population, are referred to special education in larger numbers than the rest of the population. They are at risk because of emotional stresses in their families, which are directly related to economic factors, which are directly related to the immigration law.

New York City and the Board of Education are to be commended for their policies but several things must happen. We have to make sure that the policies are understood and implemented at the field level, in the schools, in the hospitals, in all the social service agencies. We have to improve our outreach efforts.

Education advocates work to protect children. The best way to protect them is to protect their families. We believe that all
people must be able to work and work at decent
wages. We believe that alienage must be added as
a protected class in our Human Rights Law. It is
the only way to protect all our children.

Thank you.

DR. BRANDON: Thank you.

Questions from the Commissioners?

Thank you very much.

Our next testimony is from the
Church Avenue Merchants Block Association
represented by Hillary Salmons.

MS. SALMONS: I am here today to
testify on behalf of the immigration assistance
staff in my office, 150 small businesses and the
hundreds of clients served by the Church Avenue
Merchants Block Association.

For ten years the Church Avenue
Merchants Block Association has been providing
educational opportunities and support to the
refugees and immigrants living in and around the
New York Flatbush area of Brooklyn. Each year
over 3,000 immigrants attend our English as a
Second Language classes, and Citizenship
classes. They seek job readiness training and
job placements; send their children to CAMBA's after-school tutorial program targeted to assist immigrant and refugee children struggling to keep up in school; and seek the advice and assistance of CAMBA's immigration counsellors. This year the immigration staff processed 150 amnesty applications, all of which were accepted.

CAMBA's work has been nothing but rewarding, principally because of the clients' determination to better themselves, to adapt to life in America and to work. Armed with the beginnings of English, help with their children and basic job readiness training in short time, the immigrants who leave CAMBA are prospering and even beginning to help contribute to the welfare of their neighbors and the community at large.

As I have typed away at this testimony last night, a Vietnamese man dropped by the office after his work to deliver a bag of laundered clothing which he offered to share with our clients, to deliver to other immigrants who are in need of help. He told me that he was an ESL student years ago and was grateful for the support given to him.
One of the challenges CAMBA has faced has been helping to integrate immigrants into an old-time community of merchants. Where Church Avenue shops were once owned by white Jewish and Catholic residents, the street is now a blend of West Indian, Indian, Lebanese, Korean, Israeli and old-time shop owners. These shop owners have come to respect one another and to recognize that by investing in educational and job-related programs for the newest immigrants in the community, the entire community will benefit.

It is unclear to the Church Avenue Merchants Block Association what positive effect IRCA has had on our community other than to reward a small percentage of the hard-working immigrants in our neighborhood. In fact, there is great concern that it has helped to rebuild the ethnic barriers which were just beginning to be eroded. For those who did not qualify for amnesty the suffering and hardship has worsened. CAMBA receives regular reports of worker exploitation.

One call last week was from a Mexican man who is being forced to work seven
days a week at $2.80 an hour.

Several weeks ago a woman arrived weeping about her miserable life living and working for a woman who is sponsoring her for a Green Card. She has already waited two years and was wondering why she hadn't received her card yet. She was even more distressed to learn it may take longer.

We have met with many Mexican families where the men are underpaid and where in one case a seven year-old child was so depressed about being out of school, she wouldn't look at two of us visiting with her family. Her mother has tried repeatedly to determine which schools offer bilingual education, which district she lives in and where to get her daughter tested. Confused by the bureaucratic nightmare of processing a child with bilingual needs, the family has since fled to L.A. in hopes of greater support.

In trying to convince one client that she has a right to police protection which is needed in her drug-infested apartment building, she described being stopped by a
transit policeman who asked her for her green card because she and her friend were giggling loudly one night on the subway. Now she is too afraid of calling the police when drug dealers are having almost nightly shoot-outs in her building.

As winter nears and construction and lawn maintenance jobs close down, CAMBA is witnessing more and more hunger and poverty. Undocumented immigrants are finding it so difficult to work that they are losing their apartments and are soon to be added to the homeless population in New York City.

The Employer Sanctions provision has served to alienate the immigrant populations within our community as well. Merchants who were once more than willing to hire local immigrants are now reticent to do so, once again rekindling the "us and them" sentiments which were strong in the 1970's when the neighborhood began to change.

CAMBA has had three or four cases where amnesty applicants have come to complain of a firing or an employer who wouldn't hire someone
because he was unfamiliar with the temporary work authorization cards. One eligible legal alien called for assistance because her employer was unwilling to let her leave work to attend citizenship classes. She is a live-in domestic.

Likewise, complaints are regularly heard from merchants about compliance procedures and the difficulty of finding legal workers.

Last spring, CAMBA received a New York Community Trust grant to help inform the small business community about the procedural requirements of the "employer sanctions" provision.

CAMBA disseminated information to over 2,000 businesses. Of the 250 businesses with whom CAMBA had direct contact, at least half complained about the problems of finding enough committed documented workers to hire, and the frustration of not being able to hire local people as a result of IRCA. Ninety percent of the small businesses complained about the increased demands of filling out and filing the I-9 forms.

Most of the small businesses in Brooklyn are run by the owners who don't have
personnel to keep track of such forms for the years required. All of the small businesses resent having to ask employers to prove that they are Americans or else that they are authorized to work, a process which furthers the segregation of American and non-American workers. Deciphering the vast array of worker authorization forms is also overwhelming for small businesses.

In addition to the increase of worker exploitation, which is hard to document, IRCA has allowed increased exploitation by the legal profession where a few rotten eggs are capitalizing on the money to be made from filing for green cards and alternative work visas.

Last week a Nicaraguan mother told of how she and her son paid an exorbitant amount to file for political asylum. In talking with the many Nicaraguans who wait with her for long hours in the lawyer's waiting room, many of whom she sees crying, this Nicaraguan woman inquired to see if her papers had been filed with Immigration as her lawyer alleged to have done months ago. She discovered that Immigration had no record of her or her son's application papers.
Racial and ethnic tensions are on the rise in New York City and IRCA has only contributed to the growing racial and ethnic tension, alienation and fears. Immigrants in crack-infested neighborhoods are afraid to call the police.

CAMBA has been fighting a landlord in the community who has refused to grant leases or make repairs to the over 50 Chinese, Laotian, Cambodian and Vietnamese tenants in his five buildings. With a law like IRCA behind him, the landlord feels confident about declaring "There is no incentive to repair kitchens for people who fill them with wiggly things."

As an active member of a block association in the area, I have felt the effects of IRCA, too. In a fight to rid our community of three resident drug dealers, neighbors have turned to me inquiring about the dealer's landlady from Pakistan. "Hillary, you are familiar with this new law. Why don't we check into the landlady's visa status and have her deported if she won't help by evicting the dealers." This very same landlady has been
working on her own with the police to try and
evict the drug dealers.

How ironic that raids are being
carried out to rid the country of hard workers.
And how questionable that IRCA, a law meant to
stem the flow of immigrants, is now being used to
demoralize the decent people who are already
here. And, as far as we can see, the families
are still pouring in -- so IRCA is now working on
many levels.

Meanwhile, those immigrants who are
ruining our city with their drug businesses are
not being deported and don't fit into INS's
overcrowded prisons. Wouldn't it make more
sense to spend time and money ridding the country
of those who are ruining us rather than on those
who are contributing to our economy and who are
in fact adding to the basic strength of our
country?

Speaking on behalf of the Church
Avenue Merchants Block Association, I can
strongly say that IRCA has created headaches and
dissension in a community which was at last
starting to get back on its feet. Our office is
spending far too much time responding to a 
problematic law instead of concentrating on 
rebuilding our community.

Thank you.

MR. MAPP: I would like to thank 
you on behalf of the Commission for sharing that 
testimony with us because I personally found 
those stories in some ways more telling than 
voluminous reports with statistics, because these 
were lives.

The question I would like to ask is, 
have you had any indication that some of the 
banks in these communities have refused to serve 
the immigrant population in terms of refusing to 
cash checks?

MS. SALMONS: I haven't really 
thought that through. Now that you pose the 
question, we will do some investigating. Thank 
you for raising that.

DR. BRANDON: Do you think that the 
human rights law should be amended to include 
alien status?

MS. SALMONS: Yes, I do.

DR. BRANDON: Of unauthorized
workers, give them protection?

MS. SALMONS: I think that would certainly help.

DR. BRANDON: Thank you.

Next from the Congress of Racial Equality, the Immigration Committee, represented by George Holmes.

MR. HOLMES: Good afternoon, Mr. Chairman and members of the Commission.

Ladies and gentlemen, thank you for the opportunity to present my testimony to you on the subject of national origin and immigrant discrimination.

My name is George Holmes, and since July of 1986 I have served as the National Director of CORE Immigration Services, which is a program subsidiary of the Congress of Racial Equality. Prior to that I chaired CORE's National Board of Directors Standing Committee on Immigrants' Rights.

As you know, the Congress of Racial Equality is an omnibus human rights organization that has been involved in the civil rights movement for more than four and a half decades.
In April 1987 CORE was selected by the United States Department of Justice to act as a National Coordinator in the implementation of our country's new immigration law known as the Immigration Reform & Control Act of 1986 (IRCA-1986). As a National Coordinating Agency (NCA) and Qualified Designated Entity (QDE), we consistently contributed to the drafting and amending of regulations and procedures that governed the legalization, or Amnesty phase, of IRCA-1986. We also trained and monitored other QDE's. CORE operated 42 direct service provider sites -- QDE's -- in various parts of the country. In New York City we had ten such locations over the one-year amnesty period and currently have immigration counseling centers in Brooklyn, Queens, Manhattan and the Bronx.

My organization was directly responsible for the submission of more than 15,000 applications in New York City under the Legalization and Seasonal Agricultural Workers (SAW) programs and another 4,000 plus under the Cuban/Haitian Adjustment and Registry provisions.
of the new law -- more than any other QDE in the City.

We counseled and assisted more than 50,000 undocumented aliens in the tri-state area, which won us the distinction of being the number one agency in the Eastern Region. We are currently involved in the second phase of legalization and are conducting INS approved courses in English and Civics that will satisfy requirements for permanent residency. We also assist aliens applying for legal status and citizenship through existing provisions of the Immigration & Nationality Act and will continue to do so long after "Amnesty" is forgotten.

As a civil rights organization, CORE maintains a discrimination complaint and equal opportunity affairs department that receives and investigates allegations of racism and discrimination. Over the last 18 months incidents of bias on the basis of ethnic background and/or immigration status have increased sharply. We attribute this rise to the employer sanctions contained in IRCA-1986.

During the debate in Congress for
immigration reform, CORE lobbied along with Congressman Garcia and several other groups to exclude employer sanctions from the bill. We argued then and now that sanctions would only foster discrimination against immigrants and aliens.

We further argued that people who are perceived as immigrants or aliens because of language or appearance would also be affected. For example, the average employer will not be able to distinguish between American citizens from the Virgin Islands or Puerto Rico and aliens from Caribbean, African and Hispanic countries simply by their appearance. Most employers are unfamiliar with documents issued to legal aliens and are not enthusiastic about learning. Since appearance does play a major role in hiring, many employers will probably opt to automatically disqualify persons with accents or color from consideration rather than face the potential penalty for hiring illegal workers. The obvious result will be an unwritten blanket, no-hiring, policy on minority applicants.

Another expected effect would be the
arbitrary firing of immigrants and aliens or persons perceived to be immigrants or aliens. Many employers will consider verifying work authorization or citizenship time-consuming and risky. Most do not understand the intricate and sometimes confusing regulations, particularly the "grandfather clause," and will unnecessarily dump minority employees. Some will use employer sanctions as an excuse to get rid of certain minority workers with seniority and/or rank.

While it is unfair to accuse all employers of this kind of unscrupulous and illegal behavior, it is fair to assume that, in graphic terms, an application from a "Mr. Gonzalez" or a "Mr. Juarez" will be much more closely scrutinized than one from a "Mr. Jones" or a "Mr. Smith." It is this very kind of selective scrutiny based on race or ethnic background that we in the civil rights movement fought to eliminate. In one swift stroke, employer sanctions have erased many long years of struggle and turned the clock back to the days when equal opportunity was just a dream.

Advocates of employer sanctions will
argue that the law does not encourage
discrimination and in fact suggest severe
penalties for those guilty of this horrendous
crime. Laws, however, have existed for more
than 2-1/2 decades that ban discrimination.
Despite these laws, discrimination is still
common in the job market.

In the first four months of 1987,
before the start of the one-year application
period, our EOA department received 42 complaints
that were categorized as discrimination based on
immigration status. Of these 42 complaints, 14
involved employees who had been on their jobs
since before November 6, 1986 and were clearly
exempt from proving authorization to work. In
these instances the complainants were told they
must produce proof of U.S. citizenship in order
to keep their jobs.

Of the 14, five were American
citizens; three were permanent resident aliens
and the remaining six were undocumented. Our
investigation revealed that in ten of the 14
cases the demand for proof of citizenship was
made only of the non-white staff and in an
arbitrary fashion. Twenty complaints involved undocumented aliens eligible for legalization who, in gathering the necessary documentation to support their application, requested employment letters, copies of W-2 forms or other historical records from their employer and were terminated or suspended.

The remaining eight complaints were from individuals who had applied for jobs and were asked to prove their citizenship. In all eight cases the complainants were citizens or permanent residents authorized to work but did not have with them what the prospective employer considered acceptable proof. Some of the documents submitted and rejected were drivers licenses, Social Security cards, diplomas and alien resident cards.

Of these 42 complaints, 36 were resolved by either a phone call or letter from us or were discontinued. Four were resolved out of court after legal action was started. Two cases are still pending. The number of complaints received by my organization before the law took effect is probably a small percentage of
the actual number of incidents that occurred but is a clear signal of what was yet to come.

Undocumented aliens are, by nature, very secretive. They live under a constant threat of possible deportation which makes them unlikely to report acts of discrimination or other crimes against them. They are afraid that such reports would expose their unlawful status and place them in danger.

I estimate that of the more than 500,000 aliens living in New York, a substantial number have been the victim of job discrimination. Of those victims less than 10 percent have or ever will file any kind of complaint with any official or private agency. Many may not even be aware that they were victimized because of their national origin or immigration status.

Over the next several months, during the application period and the so-called education period for employers, the number of complaints rapidly increased, peaking in the month of September, when the self-certification period ended.
The problem of aliens being fired when asked for documents from their employers became so widespread that, at the insistence of local ODEs, the Immigration and Naturalization Service was forced to issue an open letter to employers urging their cooperation and advising them that there was no danger to them if they provided truthful verification of employment to their workers applying for legalization.

Despite this effort and the many informational booklets distributed to employers by the INS, Bar Association and several other agencies, the problem persisted. It is hard to say just how many aliens are affected, but we alone received well over 500 complaints over the one-year amnesty period. Most came from current or previous clients and almost 94 percent were from people from black and Hispanic backgrounds. I am certain that other agencies had similar experiences. Now that employer sanctions has been put into full effect, I suspect that discrimination against immigrants, aliens and people perceived to be immigrants or aliens will steadily increase. Another concern that most
immigrants' rights advocates have, and fear, will get progressively worse due to employer sanctions, is in the area of human rights. Many aliens, because of their immigration status, are forced to take jobs under the worst working conditions, far below minimum wage and without the job security and benefits that all workers are entitled to. Sweat shops, rampant with health violations and life-threatening conditions, are increasing and spreading across the country. Incidents of extortion, intimidation and inhuman treatment are rapidly growing. The individuals who operate these cheap labor mills benefit from windfall profits by employing illegal aliens and justify their abuse by claiming that these kinds of jobs are the only places where undocumented aliens can find work. Their ignoble claim is now more valid than ever, and you can be certain that their abuse will increase parallel to their monopoly on the illegal alien job market.

Employer sanctions, for the first time, has made it clearly illegal to hire undocumented workers, holds the employer
responsible and defines specific civil and
criminal penalties for violations. With the
amount of profit involved, it is likely that
these slave shops will continue to operate
underground and farther away from the scrutiny
and regulation that other employers endure.
Aliens employed in these human flesh factories
will suffer more than ever because of the added
risk that unscrupulous employers are taking.

Although sweat shop workers are, for
the most part, here illegally, they do not
deserve to be treated as animals and subjected to
slave-like conditions. Their rights as human
beings are consistently violated and they have no
recourse. The progress that my organization and
many others have made in addressing this problem
has been set back 20 years.

My testimony here today has touched
on three major problems that employer sanctions
will encourage and enhance: Discrimination
against immigrants, aliens or persons perceived
to be immigrants or aliens when applying for a
job; the selective scrutiny of employees because
of national origin, immigration status, or
perceived national origin and immigration status
even when employer sanctions clearly do not
apply; and the gross human rights violations that
will only increase as sweat shop operators are
forced further into the underground labor market.

Any of these situations can be
considered catastrophic to the principles and
image of our country. All three can be no less
than disastrous to the progress we have made in
the areas of civil and human rights. You have
probably heard testimony about the various
aspects of employer sanctions contained in
IRCA-1986 and what they are supposed to
accomplish. What no one will ever know for sure
is the deep-seated and long-range adverse effect
they will have on black Americans, Hispanic
Americans, Oriental Americans or Americans from a
wide variety of different ethnic backgrounds.

There will be very few
discrimination complaints filed because of
sanctions. Unfortunately a very small
percentage of those people most affected will
ever report these bias incidents. The best we
can do is speculate about the extent of the
problem and offer general remedies. We can, however, safely predict that the worst is yet to come. In conclusion, we in the civil rights movement fought long and hard to tear down the barriers of discrimination in the workplace and all aspects of life. Despite our valiant struggle and many victories, the ugliness of racism still surfaces from time to time to snatch opportunity from deserving individuals simply because of their race, color, sex, religion or ethnic background. There is no question that members of these and other minority groups enter the job market handicapped by the prejudices that too many of us still harbor. Now they will be forced in an arbitrary and selective fashion to overcome yet another handicap imposed by the very legal system charged with protecting them. Employer sanctions amounts to the legalization of job discrimination and must be defeated by the decency of the American people. I hope that these hearings are a move in that direction.

Again, thank you for this opportunity to testify.

DR. BRANDON: Thank you.
MR. MAPP: I assume the answer is implicit in your remarks, but just for the record, does your organization support the change in the Human Rights Law to include undocumented immigrants as a protected group?

MR. HOLMES: Absolutely.

MR. MAPP: Thank you.

DR. BRANDON: Thank you.

Our next testimony is from the New York City Office of Immigrant Affairs, by Elizabeth Bogan.

MS. BOGEN: Good afternoon, Dr. Brandon and Commissioners. I think you may be being handed two pieces of testimony. The one that I will be working from is the one that says on the front cover "Aliens as a protected class."

Mr. Chairman, commissioners, let me add my vote of thanks to you for creating this opportunity to discuss a most important subject: Discrimination in the context of the immigration and reform and control act, and let me make a pitch for another such opportunity a year from now when we know much more about IRCA's medium
range effects.

I was most impressed with the first several hours of yesterday's session and I hope today to offer a line of thinking that may help the Commission to grapple with a question that appears to be one of the most important on its agenda, namely, should the city make aliens a protected class under the city's Human Rights Law, and if so, should undocumented aliens be protected too. We who work for the city are in a somewhat anomalous position. Employees of agencies testifying before a Commission about an issue on which the Mayor has not yet offered a full opinion. The Mayor has not been entirely silent on the issue, however. My knowledge of his views goes back to the fall of 1985. By piecing together his oral and written statements of that period, I believe I can lay out the premises from which he was working at that time and from which I believe him to still be working.

First I think he would say the Federal Government is solely responsible for setting and implementing immigration policy.
States and localities have no role to play other
than a lobbying one. The Federal Government in its wisdom has made little effort to deport the hundreds of thousands of undocumented aliens in New York City. The City has no right or obligation to banish these residents.

Given these bare facts, how is the City to deal with the undocumented residents? What is best for the City as a whole? The Mayor's clear answer in 1985 was: It is best for the City to provide undocumented aliens with the basic services that the law allows or requires, particularly education, health care, and police protection.

If some New Yorkers are ill, poorly educated or easy victims of crime, all New Yorkers suffer. We cannot write off our undocumented aliens without great cost to ourselves.

Before that time and since that time, many of us have come to understand that today's foreign student or tourist is tomorrow's undocumented alien and that tomorrow's undocumented alien will probably achieve legal status the next day, the next year, or sometime
after that. People who really want to live here will find a way.

We have also come to understand that today's undocumented aliens are likely to be members of households that are headed by U.S. foreign citizens, naturalized citizens or legal aliens. It behooves us for many reasons to ease and speed up the process by which the undocumented become documented. We don't want an underclass that operates outside of the laws and benefits of organized society. It wouldn't be healthy nor practical.

What would be healthy and practical is this: More documented aliens who are willing to seek essential services, who are willing to make themselves known to census takers, and who thereby make the City eligible for more Congressional representation and more Federal grant funds.

In the most cynical terms, as Howard Jordan has described shortly before me, the national contest for amnesty applicants is a contest for influence and dollars.

When the Mayor tells his agency
heads that undocumented service seekers are not to be reported to the INS, as he told them in 1985, he is not inviting the entire world to live in New York. He has said specifically that the United States cannot open its doors to everyone in the world because all would want to live here, and there simply isn’t enough room.

When the Community Development Agency establishes a program to assist in the legalization of the City’s undocumented, it is not inviting the world to New York. It is simply doing what is human and practical for New York City’s residents, for its families that are today’s immigrants and for its families that were immigrants as far back as the 17th century. Some of the things that distinguish New Yorkers one from the other are merely tenure and good legal counsel.

We should also remember that "illegal immigration" is an historical artifact. It didn’t exist at all until the late 1900’s. Before then an unwritten principle governed: Come as you are and stay as long as you can make your way. People haven’t changed
since then, it is only the law that has changed.

Obviously I am trying to steer you
in the direction of saying: Yes, aliens should
be protected by the city Human Rights Law and
yes, undocumented aliens should be included.
Undocumented aliens should be included because
they are basically no different from anyone
else. And to leave highmindedness for
practicality, it would be very difficult to
protect documented aliens from discrimination
without protecting the undocumented as well.

If a manager or landlord is
permitted to ask a potential customer for
immigration documents, then he or she obtains all
sorts of information that can be used for
discriminatory practices based on immigration
status or national origin or age or a variety of
other factors.

The only way to protect the
documented from discrimination, and to exclude
the undocumented, is to create a national
identification document for all work authorized
members of our body politic, a document that
would carry no information but the government's
okay. Creating such a document is recommended in this state Task Force report, although the purpose is only to protect authorized workers from employers, not to protect aliens in any other sphere.

The Social Security card would do the job but not without a photograph for identification. Before hearing yesterday's testimony I had planned to talk today about the outrageously discriminatory favoritism that the Immigration Reform and Control Act shows for agricultural workers over all other amnesty applicants. I still think it is a vital topic particularly for an eastern state like New York, so I have passed my original draft on to you. I would be happy to answer questions on either topic.

Thank you for your attention.

DR. BRANDON: Thank you.

Next we have testimony of three persons, Concerned Citizens of Queens, Haydee Zambrana.

MS. ZAMBRANA: Good afternoon. I am executive director of Concerned Citizens of
Queens. We are, in addition to being a nonprofit organization, serving the Hispanic community of that borough, we are also a QDE and we processed over 3,000 applications under the legalization program.

It has been our experience since the law began in 1986 that hundreds of people have been discriminated against. They have called us and told us about it. Others came to us and narrated their experiences. This has been not just undocumented aliens but citizens.

I remember my Puerto Rican friend who lives in Flushing, when she went to a bank to open a bank account and they would not do so unless she brought them a green card. Such discriminatory ignorance is intolerable.

You see, I can only tell you that I remember, for the people I will talk about are working men and women and do not understand the importance of taking off one afternoon to come and tell their stories or be counted among the many thousands that have been discriminated against.

I also remember the many people who
have been fired from their jobs, although they are entitled to continue working under the grandfather clause of IRCA.

Not only have we documented cases of discrimination and referred them to the Division of Human Rights, but just recently I conducted a study in our ESL citizenship classes. These people are temporary residents who are now in the final stages of IRCA. I went to every class and explained what was taking place here yesterday and today. I asked them if they are being discriminated against or if they knew of someone who was.

In each class of 20, there were four to six people who have been victims who are still being victimized. I asked them to come and testify but unfortunately they are working and cannot take time off from work.

I can only state that discrimination against the Hispanic immigrants as a result of this law is rampant. Do we hear about it? Very little. Why? Because these people have not crossed the border yet. You see, they still feel undocumented. It will not be until such time as
they have the green card in their hands when maybe they will be able to come forth to an agency and say: I want to file a complaint. Until then, we can just be witnesses to their horror stories, we can only hope for the best.

Besides, can we really expect something to come out of this? How can we expect this when IRCA itself is a discriminatory law? Undocumented aliens are also victims but can they file a discrimination complaint when they do not fall under any legal status? You see, in order for you to bring a suit you must be in some type of standing. These people have no standing. Therefore, it is the same as having no rights. They have no statutory rights. The legalized aliens, can they file suit under the amnesty IRCA law? I was told they have no rights unless they file the intending citizens form, but do they know what this is?

They don't know what the form is.

Of course not. No one has told them about this form, where to get it and how to file it. Where in New York City can they file it? As far as I know the Special Counsel is in Washington.
You see, what rights are we talking about? Who are we trying to fool? Can they really believe that these people have rights? I know they can file a complaint with the Division of Human Rights or the Labor Standards or any agency in the world, but it is so hard to prove discrimination.

Well, let's think positive for a minute. Of course we can exercise our rights and file discrimination complaints. I used to work in a black law firm which dealt with a lot of discrimination complaints. But blacks are different. You see, they cannot be deported. They are going to stay here forever and they know how to be heard, not us, not Hispanics.

Most Hispanic immigrants came from countries where democracy is just a name. They have little civil rights, no real democracy, so when they come here they need to be educated. It will take many, many years for them to become aware that they have rights and that they can exercise them. Until then we can only tell the stories of someone telling someone else, and so on and so on.
The Division of Human Rights, as I talk about the temporary residents, the undocumented and illegal residents I also mention Puerto Ricans. Puerto Ricans, like myself, I am one, many of them just feel even worse than being undocumented. Therefore, they will also fail to report incidents of discrimination. I heard the many sad stories of not being able to go beyond just filing a complaint. As I said, discrimination is so hard to prove.

Further, I remember when I was working at the Commonwealth of Puerto Rico here in New York. When I came in 1986, I made a demonstration in front of the Division of Human Rights. Why? Because someone was being discriminated on the job. Puerto Ricans and Hispanic employees of the division were being discriminated against. Can you imagine that happening? Discrimination in the Division of Human Rights. You see, discrimination starts at home.

Is the Division of Human Rights really concerned? If IRCA would not have the requirement of reporting on discrimination, would
this agency have public hearings such as this to
hear the real concerns of people, not just under
IRCA? Or are they really just doing it because
of a mandate?

It would be so good to know how many
cases of Hispanic origin discrimination
complaints have been filed with the division.
What I would love to know how many of these cases
have been properly processed by the agency and
how many have been won. I really wonder.

As I am concerned about the Hispanic
community lack of reporting discrimination, I
would demand that the Division of Human Rights
employ more people who are of Hispanic origin so
that more interviewers can become sensitized to
the needs of Hispanics. How can we expect not to
be discriminated when we are even being
discriminated not just on national origin or
color, we are being discriminated because of
language. Can we have a worse discrimination
than not being able to speak your native language
with freedom?

I hope this agency becomes more
aware and makes a better job of telling the
public who they are and how they can help them. Very few know of your existence. I hope this is a beginning.

Thank you.

DR. BRANDON: Excuse me, Am I to understand that the other persons who are with you are not here?

MS. ZAMBRANA: They are here. They are both here.

DR. BRANDON: Perhaps we will hear them and then ask questions afterwards.

Let me say, the Commission has seen to it that Hispanics are all represented at all levels of the Commission. The deputy for law enforcement for receiving complaints heads that bureau. So we are making some improvements.

MS. ZAMBRANA: Good to know.

MS. ROJAS: My name is Carmen Rojas, Concerned Citizens of Queens.

Discrimination. What is it? Is it a concept? Is it a feeling? Is it a color? How does it feel to being discriminated?

I was 16 years old when I came to the United States with my mother with a visitors
visa. My father was already here, documented. It took him two years of hard work for him to bring us to North America. He worked all this time at the minimum wage, 1.80. Soon my mother and I became undocumented aliens because our visas had expired. What to do, the hiding, the fear, the darkness, the abuse, the discrimination, it all started at the same time.

Two of my brothers were left in Colombia, so it was my brother's responsibility and my obligation to go to work to help my father to legalize and then bring the others. I was now 17, I started working in a factory as a sewing operator. I was young and the panic had taken over me. I had been told that the first thing I must not do was to speak Spanish, not in the train, not at work, not on the streets, except in my house.

Being illegal meant to me that I was an undesirable to this society. I was not to disobey anything that my boss would say because otherwise I would lose my job and that job meant my survival. My boss, a Jewish man, has told me that my total duties were to not only be the
machine operator but that I had to try on the swim suits for him. And in doing so he would touch my breasts and I was filled with panic and could not scream, for I was very young and illegal and he knew it.

My foreman, a Puerto Rican man, would make verbal sexual advances which were insulting, and I could not talk for fear of losing my job and not knowing that I had any rights.

I could go on for hours, just telling you of the many instances of sexual harassment, job pressure, et cetera. I was now 18 and we were all illegal. My father was arrested by immigration on the job and deported. My mother and I remained here. And I had to work to keep up the expenses and the bail of $5,000 for my father for his immigration arrest. Due to this separation, the family almost broke up.

I had so much pressure that I forced myself into marriage looking for a way out. Had I had an opportunity to be like every other young girl, I wouldn't have married so early.

So, you see, discrimination has no
name, no color, no nationality, it just happens. The main factor is that it takes place anywhere in this country. That immigrants cannot talk about it or report it in most instances because of panic and fear of not being able to continue surviving in a society such as this.

I did not know there existed an agency such as the Human Rights or that we even had any rights, and this is so. Not just when I came but it is the reality of thousands of Hispanic immigrants that presently arrive in this country, they are afraid, they are in the shadows. They will not come out and see they are being discriminated. If you can believe what happened to me, then you must believe it happens to 99 percent of all the illegal aliens in this country. Can something be done? I hope so.

I am now helping illegal aliens to understand that they have rights to educate and them them understand that they can come to me with no fear, that someone will be able to listen to their problems, to help them become part of the mainstream because we are all humans.

Thank you.
DR. BRANDON: Jeremy Lopez, and his translator is Mr. Cruz.

MR. LOPEZ: Good afternoon. I came to this country in 1983. I was a tourist. My brother filed papers to bring me to this country. Then I stay in this country working. Because I like this country, I stayed working in a company from 1983 to present. But now in the company that I am working at, they are asking me that I have to show some documents in order to continue working. And not just me, but other workers that are working in the same conditions.

I don't know what to do because I have been working in this place with a different name because I am afraid to work with my name because I think that I will be deported. They continue pressuring me to show them some ID that I can work in this country. Now I don't know what to do because they want me to show some papers.

In the job they laugh at me and they call me the illegal alien, and that makes me feel real bad because they don't know what situation I am in.
Something I would like to say, no way would I like to leave that job because I like what I am doing. Also the time that I have been working there due to the fact I have been there for so long, I have learned the job and I earn more money and I prefer to stay in the same job. If I leave the job now due to the fact they are putting pressure on me, I will have to wait to get my green card in order to start working again. So I would hate to leave the job that I have now. And I would start like a new person, earning less money. If I leave the job I will lose my medical benefits and I would lose my union rights.

What scares me the most is losing the job and staying without a job and go hunting for another job which won’t be easy for me to get another one without the papers.

Thank you.

DR. BRANDON: Let me thank the three of you for the testimony you have given. The Commission does take complaints from undocumented immigrants, we want you to know that, and I will ask my staff to contact the Concerned Citizens of
Queens to work with you in our public education campaign.

An earlier speaker mentioned the Division of Human Rights, that is usually in relation to the state human rights Commission. The City Commission on Human Rights is what we are. So just in case there is some confusion about the Division and City Commission, I say that. But the City Commission does take complaints from undocumented people.

MR. LAU-KEE: I have a comment, that I would urge you probably to try to follow up on this case because there may be something that can be done, such as the education of the employer as to the requirements.

DR. BRANDON: If you would like now to go to the reception desk and go to a staff person, you may do that.

Thank you very much.

We need to take a five-minute break to change tape and just to stand up for a moment. But only five minutes.

(Short recess)

DR. BRANDON: We are ready now to
resume our testimony beginning with the Hellenic American Neighborhood Action Committee, represented by Ms. Nora Gomez.

MS. GOMEZ: Good afternoon. I represent Hellenic Social Services. We work basically with the Greek and Hispanic community of Astoria in Queens. I am going to tell you about illegal aliens who have been discriminated against when they applied for citizenship.

Vasilios Papastathopoulos. His appointment was at 1:50 p.m. He was called at 5:00 p.m. The examiner asked him to write few sentences. He wrote the sentences in capital letters. The examiner picked up the paper and told the applicant that that was not English, and she asked him to write, "I DO NOT READ AND WRITE ENGLISH." And he was told to sign it.

Stella Milios. The examiner asked her to write a sentence. She picked up the paper and after that asked the applicant to write, "I do not write and read English." The applicant doesn't know if she misspelled the sentence or what the reason was for her rejection.

Carmen A. Sanchez. The examiner
asked her to write, "I'm going to the
supermarket." She missed the "t" in the word
"supermarket," and she was told to "go home and
learn how to write English."

Salvador Cruz. The examiner asked
him six questions about American history. He
answered correctly. The examiner said that he
does not know English pronunciation and that in
consequence he was rejected.

Diva Lema. An amnesty applicant who
was not hired because of her temporary resident
status. She was sent by an employment agency to a
department store to apply for a position as a
cashier. The manager of the store did not
accept her temporary resident card. He told her
that they "only hire permanent residents, people
with green card."

Thank you.

DR. BRANDON: Thank you.

MR. LAU-KEE: Are any of these cases
being pursued any further?

MS. GOMEZ: No.

MR. LAU-KEE: With the INS? I know
how it works when they are examined for
citizenship and you have an examiner sitting in a room, you walk in and they test you and these seem like very minor sort of errors that should have been passed through.

Was anything done or did they just leave?

MS. GOMEZ: They were just told to leave and reapply six months after.

DR. BRANDON: Thank you.

Just one other question for you, Ms. Gomez. No one attempted in that case to appeal to the supervisor of those questioners, or they just left?

MS. GOMEZ: They just left. They were so disappointed because they were so sure they were going to pass the test. So they just went to our office and told us what happened. They said they are going to reapply.

DR. BRANDON: On the basis they were rejected, do you think it might be helpful -- how long ago was this?

MS. GOMEZ: All of these cases, about a month ago. And according to the description of the examiner, it seems that it is
the same person, in these four cases it seems it is the same person.

MR. LAU-KEE: I have been concerned. Sometimes these citizenship examinations turn out to be somewhat arbitrary, which bothers me. If it continues happening I would hope they take further action on this because I think it works a real hardship on people. I know that their requirements are very tight, but sometimes they can be exercised arbitrarily, and that's what it seems like here, if they object to a person's pronunciation I think that's a very arbitrary criteria and that bothers me. I hope you will pursue it in any way you can.

MS. GOMEZ: Thank you.

DR. BRANDON: It might be a good idea to pursue talking with the supervisor of the person who does the interviews. Do you think it might be helpful?

MS. GOMEZ: We think so but these people, after that, they just don't want to do anything more. They just want to leave.

MS. RUSSO: That's what I was going
to ask you. Do you think they would have been willing to appeal if you had supported them? Would they have been willing to appeal the decision?

MS. GOMEZ: No. They did not appeal the decision. They just have to reapply.

DR. BRANDON: Thank you.

Our next testimony is from the Haitian Americans United for Progress, represented by Paul Dorsinville.

MR. DORSINVILLE: Honorable Commissioners: Thank you for this opportunity to expose the discrimination experienced by immigrants of Haitian descent and express our concern for the implementation of the Immigration Reform and Control Act of 1986 (IRCA) and its companion legislation, the Immigration Technical Correction Act of 1988 (TCA).

My name is Paul Dorsinville. I am an ordained deacon of the Roman Catholic Church and the Executive Director of the Haitian Americans United for Progress, Inc., a community-based organization providing services to immigrants since 1975, and we are affiliated with
seven similar organizations under the umbrella of
the Haitian Centers Council. A brochure
describing the organization is attached (Exhibit
A). In both capacities I have had many
opportunities to share the plight of Haitian
immigrants being victimized by the implementation
of immigrant legislation. They were willing to
confide in me but they were scared to come
forward in a public hearing like the one you have
been sponsoring for these two days.

A first class of discriminative
actions has been committed by the Immigration and
Naturalization Service (INS) itself and a class
action suit to obtain relief had to be filed in
the United States District Court for the Southern
District of New York. An extract of the
Memorandum of Law in support of the motion for a
preliminary injunction is attached (Exhibit B)
which states eloquently the facts. It has also
been difficult for applicants whose employment
authorization expired prior to the adjudication
of their request to obtain a timely extension of
said employment authorization.

Private employers in turn with only
scant information on the provisions of IRCA and perhaps fearful of fines and/or jail time had been violating the grandfather clause covering workers hired prior to November 5, 1986 and terminated the services of people who had been working in many instances for years as they were unable to present a "green card" by June 1, 1988. People with the stamp in their valid passport, the plastic card, or the computer printout authorizing their employment were turned down and told they could not be hired until they could present the "green card"; a U.S. citizen by birth reported by telephone a similar occurrence and he hanged up too quickly to give more specifics. A few people were hired but could not get paid because of the delays in obtaining the Social Security number/card. These unfortunate events echo what are being described by newspapers as occurring in the metropolitan area. Exhibits (C, D and E). May I express on behalf of my constituents the urgent request that the City of New York would bear its weight toward the sunset provisions for employer sanctions built in the legislation in case of widespread discriminatiuon
as it has been happening.

WHEREAS, it can be established a
pattern of discrimination based on implementation
and interpretation of various provisions of the
IRCA contrary to the intent of Congress resulting
in all kinds of burden for employers and workers
alike, whether they be U.S. citizen or
immigrants, and a societal price yet to be
assessed, BE IT RESOLVED that the City of New
York take necessary action toward the repeal of
the employer sanctions provisions contained in
IRCA.

Thank you for your attention and
your time.

DR. BRANDON: Did you say you
stopped?

MR. DORSINVILLE: That was
stopped. 14 months later the final rule has been
published because of controversy over whether
legal services programs would be employed. The
Justice Department has insisted in keeping this
provision.

Whereas it can be established a
pattern of discrimination based on implementation
and interpretation of various provisions of the
IRCA contrary to the intent of Congress resulting
in all kinds of burden for employers and workers
alike, whether they be U.S. citizens or
immigrants and a societal price yet to be
assessed, BE IT RESOLVED, that the City of New
York take necessary action toward the repeal of
the employer sanctions provisions contained in
IRCA.

Thank you.

DR. BRANDON: Thank you very much.

The next testimony is from the
Muslim Community Relations Council of New York.
Mr. Zakaullah Pirzada.

MR. PIRZADA: I, Mohammed Zakaullah
Pirzada, hereby testify, that to my best
knowledge there are approximately 500,000 Muslims
living in New York. The ethnicity of these
Muslims range from Pakistan, Africa, Pacific
Asia, Eastern Europe, Soviet Union, Afghanistan
and the Middle East.

The Muslims in general and
particularly from Pakistan, India, Afghanistan,
Bangladesh and the Middle East are facing wide
range of problems but particularly in the employment and the housing aspects.

    The people who have complaint in the employment told me that although they have United States degrees and a legal resident status but are not accepted due to their alien looks. The Muslims who are employed especially in New York City departments have complaints of discrimination and harassment from their supervisors. The Muslims living in apartment buildings are harassed to an extent that some of them are dragged to criminal courts. And those who buy homes are unwelcomed in the neighborhood.

    In conclusion, I also affirm that our organization will keep an active liaison with the Commission on Human Rights office to tackle these problems.

    Thank you very much.

MR. LAU-KEE: Does your organization keep track of any of these problems?

MR. PIRZADA: Yes, we do.

MR. LAU-KEE: Is it possible you
could share that information with the Commission?

MR. PIRZADA: Definitely. I didn't want to bring the names of those people out.

MR. LAU-KEE: I think that maybe some sort of summary of that information would be appropriate, and at the staff meeting they could ask you more.

MR. PIRZADA: They have pursued their case with the Commission a long time and have not heard anything.

MR. LAU-KEE: That's a matter of concern as well.

DR. BRANDON: That will be changed.

MR. PIRZADA: Thank you very much.

The next testimony is from the New York County Lawyers Association Committee on Immigrants, represented by Mr. Peter Hirsch.

MR. HIRSCH: Good afternoon. First I would like to point out that I am appearing here on behalf of the Committee on Immigration. We have not gone through the board of directors of the New York County Lawyers Association, so my views represent the committee's views.
I am here on a specific issue which has broad ramifications, much more profound ramifications, but the specific issue is right across the street from this very building, New York State Department of Motor Vehicles, is refusing to issue drivers' licenses in violation of the law to undocumented aliens.

I have been trying personally since last about October, November, when this first came to my attention, to bring a lawsuit on this matter. I have brought many lawsuits over the years on issues regarding aliens, and one of the big problems that I have encountered is the issue of standing. Obviously I am not an alien, I can't be a plaintiff.

An organization that I helped form, the Association of Immigration Attorneys, itself became a plaintiff in a lawsuit to benefit aliens. The claim being that undocumented aliens are afraid to use the courts, with great justification. I cannot find an alien plaintiff who is willing to step forward and expose himself or herself in reality, and more importantly probably, subjectively in their own minds to
possible retaliation.

    Now, I have done a good deal of research on this issue. There is nothing in the motor vehicle law which permits the Motor Vehicle Department to inquire as to somebody's immigration status. The only qualifications are age, actual residence in New York, and the ability to pass the required written test and driving test. That's it.

    DR. BRANDON: At what point do they ask for that status?

    MR. HIRSCH: You will see there is a letter attached to my written material from a Mr. Abraham Shapiro.

    DR. BRANDON: I am looking at it now.

    MR. HIRSCH: He actually is the person who has developed this policy. He is very disingenuous. He claims he is not discriminating.

    MR. LAU-KEE: What is the claim?

    MR. HIRSCH: His claim is that he won't accept a foreign document as identification. Well, he won't accept a foreign
document of an American citizen, either. Of course American citizens don't have foreign documents. The only people who have foreign documents are aliens. He knows this full well. This is the most disingenuous piece of garbage that I have seen in a long time.

And he gives himself away in his letter. He states, in the last paragraph of the first page that he will give a driver's license, will accept a foreign passport if it is valid. What does he care if it is valid. If it was good enough at one point to let a person into the United States, that it was determined by the immigration officials at that point to be a valid document for identification purposes, it doesn't change his identification value by no longer being valid. So what he is doing, he has decided to enforce his version of the immigration laws by raising the pain level of people living in New York, residents of New York, who have to pay taxes to the City of New York, who have to pay taxes to the State of New York. He has no authority whatsoever.

Now, this has enormous
ramifications. You cannot live, let's face it, outside of New York City without driving or having somebody in your family who can drive. United States Supreme Court has said, not in a case involving aliens, but that it is a liberty right, the right to travel. You have to go to the hospital, you have to go to your job, and right across the street Mr. Shapiro has decided he won't accept a foreign document.

Now, his own material from the Department of Motor Vehicles refers to foreign documents. Now why are they referring to foreign documents if they are not acceptable? He claims in his letter that the interpreters, the translators are not certified. Well, that happens to be true. That's true for immigration as well. I translate documents. I am not certified.

I swear that I am capable of translating. Because Mr. Shapiro can't find somebody who speaks Spanish in New York City to check the accuracy of translations, he is playing games with us, indeed is playing games.

I tell you what I think is
underneath it, just so that we have our cards on
the table, if Mr. Shapiro will not put his cards
on the table. There is a defect in the I-9s, the
Federal Government does things not always
correctly from their point of view.

I think what is happening is that
people, indeed on occasion, might be using a
driver's license and a Social Security card to
satisfy the I-9 requirements. That is not an
excuse to deny somebody the right to drive in
this city, in this state. The fact that somebody
might break the law is no excuse for Mr. Shapiro,
an agency of New York State, to break the law. I
find it a really horrible thing and it scares me,
very honestly. It also frightens me that I, as
an attorney, with all kinds of good intentions,
can't even bring a lawsuit.

So it is obviously a far more
profound issue involved in this but I am lending
my comments to that specific issue.

MR. LAU-KEE: Mr. Hirsch, I just
note that on his letter he really does sort of
probably get to the heart of it, just in a quick
glance of his letter to you in September. The
end of his last paragraph reads, "To summarize, our position on foreign documentation is a result of our long experience in which it has been a vehicle for fraudulent acquisition of the accepted American identity card, the driver's license, to a much greater extent than domestic documentation." I think your fears are probably very correct as to the underlying reason.

What is the current status of it? I notice this is probably fairly recent, his letter is September 8.

MR. HIRSCH: His letter was in response to my letter of August 3 and I had sent carbon copies to several different people. This is the culmination of probably a four-month process in which I had talked to him and other people therein including the general counsel in Albany.

MR. LAU-KEE: I notice he is the downstate field operations director and therefore has jurisdiction over where?

MR. HIRSCH: All New York City and Long Island and possibly some of the closer-in upstate counties. That I am not sure about. All
of New York City and Long Island.

MR. LAU-KEE: So his practice conflicts with the practice of the rest of the state?

MR. HIRSCH: Yes. The general counsel himself in Albany, when I spoke to him at some length, tended to agree with me. I said, "Why can't you change this?" He said, "We don't have authority to do this."

I find it essentially frightening. Everybody I have talked to seems to see it that there is no authority, they are just acting beyond their authority. If Congress wanted to do it, perhaps they could. If the State Legislature wanted, perhaps it could, but I don't think so because I think it is pre-emptive. But certainly a bureaucrat sitting at 100 Worth Street, whatever it is across the street, has no authority to do that and he is acting beyond his legal authority. That should be very frightening indeed.

Then he picks on the one group of people that can't say: Hey, you can't do this. By the way, I talked to a colleague of mine just
this morning and told him I was going to be
testifying today, his clients are going to New
Jersey to get driver's licenses. They are going
to get it one way or another.

He is worried about fraud. They are
going to get fraudulent licenses, they are going
to New Jersey saying they live there, they are
going to be driving without a license, in which
case they will probably drive without
insurance. Is this what we want?

MR. LAU-KEE: I understand the
standing issue. You are talking about a group of
people -- you basically need at least one
individual to come forward.

MR. HIRSCH: I was thinking of
making it a class action if I could, with one
individual.

MR. LAU-KEE: I think there probably
would be some persons who are applying under the
amnesty cases, but would still have to rely on
foreign documentation to get a license. Have you
looked into that?

MR. HIRSCH: I put my feelers out in
all different ways. I can foresee people who
can't come forward without endangering themselves, people who applied for refugee status. They are still afraid. Anybody who has a discretionary decision to be made by the government over their lives just isn't going to come forward. I can understand that fear. I explain to them that it is not rational, they don't need to be afraid because they have a good political asylum case going. But in their hearts they are living in a foreign country and their situation is not yet finalized and they are afraid. I had one person who came in, she was going to do it. She thought I was going to come down and get her driver's license. When I told her I need her name to go on a piece of paper as a plaintiff, that was it.

MR. LAU-KEE: Did you check with the State Human Rights Division on this, by any chance?

MR. HIRSCH: No. The people I contacted are the ones who are on the cc list, but I put out a whole number of feelers. I plugged into the New York City Victims Services Line on this issue and they are looking for a
plaintiff for me as well.

MR. LAU-KEE: And I would suggest you possibly contact not only our agency but also the State Division of Human Rights.

MR. HIRSCH: If anybody has any possibility for me, I really would like to do something. It is a strong lawsuit, I think the issue is an important issue.

DR. BRANDON: So you are prepared to pursue it once you find the plaintiff?

MR. HIRSCH: Absolutely, and I have at least one other attorney who is willing to work on it with me, on a pro bono basis.

DR. BRANDON: Thank you very much for your testimony.

MR. HIRSCH: Thank you.

Next the Association of Puerto Rican Executive Directors, represented by Joann Casado-Alba.

MS. CASADO-ALBA: I am the policy analyst for the Association of Puerto Rican Executive Directors. APRED is a consortium of chief executives of leading human services agencies that serve New York's Puerto Rican and
Hispanic communities. As an advocacy group, APRED addresses issues affecting our community in order to improve the quality of life of our constituents.

On behalf of APRED, I wish to thank the Human Rights Commission for giving me the opportunity to discuss the Immigration Control and Reform Act, specifically with reference as to how the employer sanctions provisions are affecting the Puerto Rican community.

The Puerto Rican community has perceived and continues to perceive the immigration issue as one having no bearing on their status in this country, due to the fact that in 1917 Puerto Ricans were accorded United States citizenship. However, with passage of the Immigration Reform and Control Act on November 6, 1986, this is no longer true. IRCA provides for employer sanctions which penalize employers for hiring undocumented workers and places on the individual the burden or substantiating his/her legal status as a condition of gaining employment.

The basic intent of the employer
sanctions provisions was to deny employment to
undocumented men and women who were "displacing"
American workers. However, studies indicate that
this is in the main a fallacious argument given
the type of employment predominantly filled by
the undocumented.

Yes, for the most part it has been
because of their poverty and/or political
repression that they have sought to live in the
United States. But the remedy that has been
designed to counter what we feel is a
"fallacious" argument to begin with, has in
effect legalized denial of employment
opportunities to those appearing "foreign" but in
fact are citizens by birth. Because there has
not been an effective massive public education
campaign to inform employers of their obligations
under the law, confusion and misunderstanding are
common, thereby increasing the potential for
employment bias.

The lack of a public education
campaign can conceivably result in employers
"playing it safe" and firing or refusing to hire
persons they subjectively believe are
"foreigners" and undocumented. Although IRCA has been in effect for almost two years, the government has yet to initiate such a campaign. Therefore, the potential for employers to respond to the sanctions provisions in ways that discriminate against Puerto Ricans, Latinos and others who fit immigrant stereotypes continues.

Employers may engage in selective hiring practices that have a disparate impact on certain racial and ethnic groups. These policies may be embodied in "Passport Only" or "Speak English" policies in what are legally incorrect and overzealous attempts to comply with the law.

The failure to disseminate information concerning the law has resulted in persons who are authorized to work not being able to do so. For example, persons born outside hospitals in the South and Southwest and in some parts of Puerto Rico, may not be able to easily prove their national identity. Those individuals unable to acquire appropriate verification of their identity will be at a loss when applying for work. Information must be available to those seeking employment as to the type of
documentation needed and, where applicable, mandated time extensions to obtain the necessary documentation. The general public must be informed of their obligations under the new law. The failure to do so creates a climate wherein otherwise employable persons will not be able to gain employment.

As a result of IRCA there is a presumption of illegality which places on the individual the burden of substantiating his/her legal status as it pertains to the individual's ability to attain employment. It is important to note that American citizenship provides amongst its many rights, a presumption of innocence of any wrongdoing unless otherwise proven. The very premise of IRCA runs counter to this right as it has a particularly deleterious effect on the Puerto Rican community.

In other to understand why IRCA and the employer sanctions are an issue for the Puerto Rican community, certain facts in this country must be recognized. One of these facts is that life in this country is affected by discrimination based on color and national origin.
among other things. It is because of the institutionalization of these prejudices that the determination of where immigration authorities will enforce the law will be affected by discriminatory preconceptions. The fact is that the Latino, Black and Asian communities as well as the island of Puerto Rico will be areas targeted for enforcement of the immigration laws. This is in large part due to the government perception that the undocumented alien is an ethnic minority, notwithstanding the fact that in New York, for example, there is a large population of white-ethnic undocumented aliens.

As a social group, Latinos or Hispanics, however the community desires to define itself, is identified by a commonality of language, cultural expressions, physical appearance and coexistence within certain geographical areas. This objectively places Puerto Ricans squarely in the heart of communities targeted for enforcement of the law. There remains a strong possibility that there will be greater efforts by the government to enforce the immigration laws in light of the
recent drug hysteria present in this country. This will probably be carried out by more intense campaigns resulting in pursuit, detention and deportation of the undocumented.

As part of the Latino community, it follows that the rights of many Puerto Ricans will undoubtedly be violated in the enforcement of existing immigration laws. The socio-political and economic condition of persons most affected by discrimination in the workplace influences the extent to which they will report instances of discrimination. The Puerto Rican/Latino working class survives by gaining employment into low paying, mostly non-union, and labor intensive occupations. Within this context, the reluctance on the part of many Puerto Ricans and Latinos to report instances of employer bias can be seen as a manifestation of fear of reprisal, the perception that immediate redress will not be forthcoming, unfamiliarity with the institutions responsible for dealing with such issues, the barrier of limited English proficiency and amount of time necessary to file a complaint until a final decision is made.
Given the limited accessibility of Puerto Ricans and Latinos to jobs and industries that provide sustained employment, it is likely that this situation will continue as workers move from job to job in pursuit of greater income security. The Anti-Discrimination provisions, provided for within this law, give those individuals victimized by discrimination in the implementation of the law an avenue of redress. This can be viewed as legislative recognition of the potential for discrimination inherent with implementation of the employer sanctions. While they were intended by Congress as an attempt to protect the working class, the provisions protect only citizens and those intending to be citizens who are discriminated against because of alienage.

But, we ask, what cases of employment discrimination can be brought under the limited language of this provision? Congressional intent has been hampered by failures perpetuated by the bureaucracy responsible for insuring their implementation. These include the fact that the final regulations
concerning the anti-discrimination provisions were not published until nearly a year after passage of the law, despite the fact that the provisions became effective with enactment of the law on November 6, 1986, the inordinate delay in the appointment of the Special Counsel, which meant that the office responsible for investigating cases of discrimination was without administrative direction or guidance for that period, and finally the absence of regional offices creates further impediments. The paltry number of complaints reported last year indicates the total confusion and lack of faith in the muddled redress process.

In conclusion, the Puerto Rican/Latino community must be advised of their rights on the workplace, with specific information on the employer sanctions and the documentation necessary for verification. Every effort must be made to document and monitor cases of employment discrimination in the Puerto Rican community. Special efforts must be made to track these cases within this community, as they are not only United States citizens by birth but
are also especially vulnerable to employment
discrimination. The Association of Puerto Rican
Executive Directors remains ready to cooperate
with the Human Rights Commission.

Thank you.

DR. BRANDON: Thank you very much.
I trust you will take advantage on what we have
just completed yesterday, a new brochure in six
languages. It explains at least in some
abbreviated form the rights of New Yorkers with
regard to national origin and immigrant
discrimination, and I am sure we have some of
that literature outside which might be helpful.

I would also like to ask you whether
or not you think the Human Rights Law should be
amended to include alien status and undocumented
persons?

MS. CASADO-ALBA: Yes, it should.
The information, for example, that has been
available from the City is a good start. It is a
beginning, but I think that other efforts should
be made. For example, posters on subways. Most
of the poor working black and Latino and Asian
people take the subways to work, and that would
be a very good way of disseminating information
in very short form.

DR. BRANDON: Do you think that it
is a requirement that banks granting mortgages
should take into consideration one's status,
alien status?

MS. CASADO-ALBA: No, I don't.

MS. RUSSO: You said that the Puerto
Ricans are very reluctant to file complaints.
What do you think would help?

MS. CASADO-ALBA: It is difficult.
It comes from an historical background of not
being familiar with institutions that are in
existence that will help with complaints. There
is also the problem, for example, if you are a
working person and you work from 9 to 5, and an
office closes early, you either face the reality
of leaving your job early and having your
employer asking where you are going or you lie or
tell him the truth and if you tell the truth, you
are fired the next day.

Another problem that I think many
people face is they don't really know what's
going on. For example, I had a phone call from
someone that went to look for a job and he was asked for a green card. This person was Puerto Rican. He was very upset because he was not given a job until he could produce the green card and he explained what his situation was. The employer refused to listen to him.

He called, complaining and he was very upset. He needed some sort of immediate redress because he needed to work the next day. He needed to find a job. So the response was that I gave him all the available sources that I had where you could file a complaint and where you could call for information. But the next day when I called to follow up on him, he had found another job and was no longer interested in pursuing that. That's a problem that, from what I gather, happens quite often.

MS. RUSSO: So they want quick action?

MS. CASADO-ALBA: Yes. People have to be apprised that if you file a complaint you will be given redress and there is a solution to some of the problems people are facing. The same way the newspapers highlight drug trafficking,
they should also highlight successes in filing complaints. People have to be aware there is an avenue of redress and some cases will be successful. Because people will read the newspapers and believe why should they bother to complain, nothing will come of it. That happens to be a very common perception.

MR. LAU-KEE: Do you think that some program like a mediation program that would take place very quickly within a certain period of time would help?

MS. CASADO-ALBA: That would help, yes. I think, for example, under IRCA there is a 120 day period, that's a long time to wait.

MR. LAU-KEE: That's just a cutoff date.

MS. CASADO-ALBA: People need something right away. Maybe they could call somewhere and have a lawyer call the employer feeling they have a legal person backing them up, that is supportive to them. Other cases will pass by word of mouth. So a mediation center might be a very good idea.

DR. BRANDON: Thank you very much.
Our next testimony from Mr. Robert Smith who is a Columbia University graduate student in the Ph.D program.

MR. SMITH: Good afternoon. My talk -- very briefly by way of background. I have been working with undocumented workers, for my fourth year. I have done research and service work as an amnesty counselor and English teacher.

What I will be talking about today is the new Mexican undocumented workers in the City and treating them as a class, or what seems to be their emergence as a class. The most important aspect I see is changes in the employer/employee relations. Alarming numbers of Mexicans are coming to New York City now. It is a relatively unknown community but it blends in so easily with the larger Latino communities. But in the research that I have done here in the last year or more, I suspect that the community may number as high as 100,000. It is scattered in different parts of the city and connected by delivery trucks, many of which I have ridden on. I would say about 50 percent of it is undocumented.
What seems to be happening in employer/employee relations are two things: One, for people who have already been here and been employed, the employers are either taking advantage of the fact that these people cannot get another job, cannot leave the job they are in and asking for more work with less pay, or firing them. I know a case of a man who was a construction worker who had been here a number of years became homeless and was selling fruits and vegetables on the street. I don’t know what’s happened to him since.

Essentially it is the limiting of opportunities for people who are coming here. IRCA is being effective in keeping people out of jobs, undocumented workers who are coming here. On the other hand, it not keeping them out of all jobs. The jobs they are taking are jobs at $2 or $2.50 an hour. The reason they are taking these jobs is there are no other options. For many of them their position once they come here is even more precarious than it had been in the past. It cost $800 to hire a coyote to cross the border to come to New York or Philadelphia now.
Many of these people are not the wealthiest when they are in Mexico and $800 is a lot of money, and with the incredible interest rates they are being charged by the smugglers, every day they go without work is a day they are further in debt and they imperil their families. So they take the first job they can get.

In my interviews this fall, what I have seen is the pay between 180 and $200 a week for six days a week, twelve hours a day, sometimes seven days, in green groceries, in restaurants, some in garment factories. These are not isolated instances. This is a pattern which has emerged. It seems to be a reinforcement of a segmented labor market. I have seen also two-tiered wage skills within individual factories where undocumented workers are making $2 an hour and documented or resident or citizens are making minimum or greater. I found a case where a sweat shop owner has made the women working for him buy the machines and work with them out of the home, in the belief this will insulate him from culpability in
employing undocumented workers.

I have also seen that the housing
that these people live in, it is partly a
function of the low wages they are receiving but
it is also a matter with some frequency of
landlords knowing that is these people are
illegal and won't protest, that they are being
charged exorbitant amounts of money. I know of a
place where ten people live in two small rooms in
a basement, the boiler room and the electrical
circuit room, and they are paying $800 a month.
The shower is a rigged shower off one of the
pipes. The kitchen is a couple of hot plates. I
brought my bike in with me, and they said leave
it here, and I said no, someone will steal it. I
didn't know I was in the place where they were
living. It opens up into an alley where they
keep the trash.

Very often these people have become
victims of crime. I know many of the street
vendors who sell flowers, have their flowers
stolen on daily basis -- not all of them, but
someone comes up and grabs it and they are afraid
to say something because they are undocumented.
The people stealing apparently know this. In some places they walk in the street and are exposed to getting hit by cars at that risk because they know this is a bad block. So you walk with your cart in the street here.

Another thing is that these people can't open bank accounts and consequently they carry large sums of cash here. The gentleman who spoke about the DMV failing to give a license, these people don't have Social Security cards and can't open bank accounts. Consequently they will save 1500 or a thousand or more dollars, and many people in the neighborhood know this.

I know of cases, not in New York this year, but in other places, where people have been ripped off a year's worth of savings gone because they can't open a bank account.

So I would advocate that the City amend the Human Rights Law to include aliens as a protected class. It seems that these three factors, the housing and the new segmented labor market, and the lack of full participation, for example, just opening a bank account, qualify them as a class.
I am not sure how one would do this without conflicting with IRCA. The intent of IRCA, I would hope, is not to have people robbed who are saving money or to have flower vendors have to walk in the street or have them live in a basement and pay $800 a month, but it is an upshot of the opportunities that have been removed in the labor market from undocumented workers, or at least has reinforced that effect.

I would be more than happy to assist in the formulating of such a provision in whatever way I can.

DR. BRANDON: Thank you very much.

MR. LAU-KEE: Exactly what sort of work do you do or what is your connection with that community?

MR. SMITH: I am a researcher, I am a graduate student. I have taken a year off from classes to do community service work and research this year. So that I am interviewing people to find out where they came from, how the law is affecting them. I have also done volunteer work with a community group in Washington heights. I worked as a volunteer amnesty counselor. I have
taught English, teaching English.

I spent the summer in a town or part of the summer in a town in southern Mexico where at least a quarter of the population is New York City. And and I stayed at the house of a prominent businessman from this community in Brooklyn -- his house in Mexico, he lives in Brooklyn. So my access to this community has been greatly facilitated: So that people can confide in me and are telling me what's happening, where previously it would have been more difficult.

MR. LAU-KEE: Are you studying it as a community, as a distinct community?

MR. SMITH: Yes. The idea was to study the effects of the New immigration law, and then I am one person, or working with two people and how do you study something so big, and when I got to be more familiar with several members of the Mexican community, it seemed to me an ideal vehicle. Because it seems to cohere -- though there is no barrio, the community has connections, there is a soccer league here that has 25 teams. So that it seems to me easier to
measure the effects of the immigration law on a smaller community that's a little more coherent than perhaps in the Dominican community or that sort of thing.

MR. LAU-KEE: If it is not a trade secret, could you just share with us some of your methodology that you are using in your study?

MR. SMITH: If there are no researchers here.

(Laughter)

One of the things that I have used is just sort of a street survey, walking up and down Columbus or Broadway or Amsterdam and talking to people and saying -- they are all from similar places. So when I speak to someone I can say that I know this place, and do you know the bank on the corner there? And that kind of familiarity. Then after we talk I will say I am doing this research and I am interested in finding out if there have been problems. I have other people introduce me. I am teaching an English class in the place where these people live who are -- by the way, the place where they are paying 800 a month to live in the boiler room
is a relative of one of them. That really
shocked me.

So I am doing surveys and there is
also a business which does deliveries in the city
and I have gone on the delivery trucks of this
business. This has given me a very good
cross-section of where the people are employed
and if there are problems, in what industries and
that sort of thing.

I have done a lot of pounding the
pavement and it has begun to yield better results
in the last few months.

MR. LAU-KEE: Thank you.

MS. RUSSO: Are you able to
distinguish discrimination based on national
origin from discrimination based on alien
status? Since you are dealing mainly with the
Mexican community, is it clear to you that the
discrimination is connected largely to alien
status?

MR. SMITH: When you say
discrimination, what exactly do you mean?

MS. RUSSO: Denial of services and
being laid off from jobs, and so forth.
MR. SMITH: My impression is, and it is an impression that it is more from employers' lack of understanding or fear of being held accountable for a law they don't understand.

I have done work on the New York State report that was released last week, I was one of the researchers who helped out with that data, and I worked on several projects last year and the lack of understanding of the immigration law and the requirements in some cases was really fundamental. That's my impression. It is not because you are a Mexican; I think it is because you are an undocumented worker.

But I will add, though, that there does seem to be a color line. More undocumented workers are Hispanic than any other group in this city. Therefore, I get a Hispanic applicant who doesn't speak English, I am more likely to look negatively on his application or to scrutinize his application more than somebody else's. This is my impression of what's happening.

DR. BRANDON: Thank you very much.

Our next witnesses are from the
Center for Immigrants Rights and I want to thank them for bringing a number of witnesses here this afternoon.

We have a translator, Benjamin Resto is here with other persons.

ESTELLA: My name is Estella. I am here that to testify about some things that may seem like a story to you but they are facts.

I have been here since 1986. Five days from the day I arrived I began working until May of 1988. From that moment on I was literally sacrificing myself and my family and my time to be able to provide for my family until the new IRCA law was put into effect, which has brought an effect not only to myself but to many others.

Since I arrived before November 6, 1986, the people who I was working for at a restaurant said they didn't want to fire me because of my work, but because of the new immigration laws. I was working before 1986 and they were confused and said that we have to let you go because we are afraid of INS coming in and raiding our place and we can't afford that.

Ever since I was fired from that
job, I have not been able to obtain any other employment. I was working 13 to 16 hours a day in conditions that weren't the best of conditions, and I have tried to get a job since then but because I have no documentation to provide the employers I cannot work.

I am not only speaking for myself, as a parent of two children, but I am speaking for the parents and families of many immigrants who are here who are under the same conditions, and many of us are fearful of going back to our country, to the conditions we left. I continue to stress this fear. It is not only for myself but many of us, and this new law has caused that.

This new immigration law has made things worse. I cannot find employment here in the city and we cannot go back to our countries. Before the law came into enactment it was easy to get any menial job, even if you had to slave 14, 15 hours to provide some food for your family and to meet the bills, but now there is nothing that can be done and we are trapped.

Not only those who are not working but those who are working are now trapped or have
become slaves to that job because if they were to leave that job, they won't have anything else to provide for their families or to provide to those who they would like to welcome back into the country.

I have a friend who arrived in this country February of 1982 and her employer has said to her, she has no documentation, I can get you documentation if you provide me with sexual favors because I have friends who can provide you with the legalization. There are many other incidents like this.

I would like to know, now that we are caught in this situation, what direction can we take? Not only for ourselves as parents of children, but there is no direct, clear-cut direction as to where we can go. Within the the boundaries of IRCA, is there anything outside of that? What do we do next? There is no direction at all. I am not afraid, I am not fearful, I am willing to sacrifice my life for my children, and so would many of the other parents but I would like to know is there anything that can be done for those who are caught in this trap?
Although I am a little nervous, if you want to ask me questions, please feel free.

DR. BRANDON: It seems to me you have mentioned some things that come clearly within the jurisdiction of the city Human Rights Commission. I advise you, if you feel that you have been discriminated against on any of the protected classes of the Human Rights Commission, you should make a complaint. Persons at the reception desk will be able to offer some more detailed directions.

MR. LAU-KEE: I would just like to say that the Commission realizes that this is a very difficult situation for a lot of people in the city and that's what we are grappling with now and that is the point of these hearings. Hopefully we will be able to do something.

ESTELLA: I assure you that I and many other parents of children will be very grateful to the Commission.

ROSALDA: Good afternoon. I am the sister of my brother who is here undocumented. He worked four years in a factory that recently closed and moved to Florida. My brother has not
been able to find any work because of the new identification that is required under the IRCA law. We have tried to get public assistance, but under the IRCA law, welfare laws, they are not eligible to get public assistance.

    We don't know what to do. We are trying to seek help as to which way to turn.

The main concern is really for the children who were born here, three of them specifically, and they have nowhere to turn. They are worried about what's in the future for them. That's their question, what can they do.

    Right now we are going through a very difficult period. One month behind on rent, no money for food. My family has been supporting his family. It is getting to a point where it is creating a lot of friction in the family and there is the danger of eviction in the future.

    We are not the only ones being affected, there are also others. There are numerous people out there suffering the same way and things are getting worse. In my particular case, even though I have papers, I have been rejected for jobs also. So I have also been
affected by the IRCA law even though I have papers.

There has been a lot of discrimination in the past but now it's even more. The question is how are people going to survive now? Where are we going to turn? With the winter coming around the corner, it's a real crisis looming over the city.

My question is, how can we be helped? Where can we go for help? Because before the IRCA law we were able to work and make a living and not be concerned about survival. Now survival is our biggest worry right now and we want to know where they can seek assistance for their immediate needs of survival.

Thank you.

DR. BRANDON: Thank you. It is very clear from your testimony and from others that there is widespread misunderstanding on the part of employers concerning IRCA, and a great deal of confusion which the Commission is seeking, through the information campaign, to get out to people to help them understand what their rights are. We know that in your case, as in others,
there are some very immediate needs that need to be met. But we are certainly working in the direction of dealing with them, perhaps not at the time that everybody would like to have them dealt with, but certainly we are moving in that direction.

THE INTERPRETER: He was going to testify also but she testified to what his concerns were.

DR. BRANDON: Thank you.

DR. BRANDON: Commissioner Mary Wilson has just joined us.

Next is the Committee for Immigrant Rights, we have Luis, translated by Mr. Cruz.

MR. BARETTO: My name is Luis, Baretto. I am here because I lost my job due to the effect of the new law. I have been in New York since 1981 and I have been working for this company since 1986. One week before the amnesty I was dismissed from the job because I didn't have the documents. I applied for amnesty two days before the deadline but I haven't received papers yet to work or any identification card.

DR. BRANDON: You were working
before November 6, 1986?

MR. BARETTO: Yes.

I lost the job and I have been seven months since the last time I worked. And now for the union to get me back to work I will have to get an ID. Due to the fact that I was working before the amnesty, I thought that I was protected by the law, but since they fire me I don't have a job now.

I don't know what to do now, due to the fact that the company won't accept me if I don't have an ID. I don't have a job and I don't know what to do now.

I have written letters and I have called to Immigration asking them what's going on because I haven't received any identification card, I don't have any papers, and I don't know what to do now.

The company I was working for was in Westchester County. They were paying us only half the salary they were paying the other people cleaning windows, due to the fact we didn't have any documents. Whenever we asked the company why they didn't allow us to get in the union, they
tell us the reason was because they don't have any documents, plus they were going to make too much money for somebody who didn't have no papers, why pay so much money to a person undocumented.

Even though they didn't want us to get in the union, we form a coalition and we got to the union and the union accepted us to become union members. After we won the battles then the company was putting pressure on us due to the fact we went against their will. As soon as they got the amnesty law, they found they had something, a way to push us out, and then they throw us out.

I show papers to my company that I already applied for amnesty, they said I don't have an ID yet and so they won't accept it.

DR. BRANDON: I want to thank you very much for coming today and sharing your experience with us. We trust that out of these hearings will come some positive results which will be helpful not only to you but to many others who have appeared before this Commission.

At this point we are going to take a
ten-minute break.

(There was a short recess.)

DR. BRANDON: We are now ready to resume these hearings.

Next will be persons representing the Hermandad Hispana. We will ask Emilio if he will ask.

EMILIO: We are the National Hispanic Brotherhood and we have received so many complaints from our members, evidence of discrimination abuse and humiliation, that some of these people have encountered due to the passage of the IRCA.

Tonight with me are two of our members and which they will give their own testimony. One of them is named Francisco Matos and Roberto Marino.

MR. MATOS: Francisco Matos, from the Dominican Republic. I worked as a knitter operator at Fit Well Knitting Company from July 1981 to July 1988. I established seniority and one of the oldest employees there. I have been a citizen for the last 15 years. I am one of the oldest employees there. I accumulated the most
seniority at that company.

    For approximately the last two
years, from April 4, 1987, I have been working at
a reduced salary. They reduced my salary 50
cents an hour, as opposed to receiving a 25 cent
increase according to the union policy. I
received a 50 cent reduction in my salary. I
never received that increase at all.

    DR. BRANDON: And the reason for
that reduction?

    MR. MATOS: I am not too familiar
with why this was done: What happened was
basically I had to go have a double hernia
operation. During that time span I had
problems -- I went back to work temporarily
without receiving my increase. On May 30, 1988 I
returned back to work for 50 cent less. The
amount from the union, 25 cents, I never
received. Suppose to receive everybody every
May.

    DR. BRANDON: 25 cents per hour?

    MR. MATOS: Per hour increase, yes.

    Basically what has happened, I had a
medical problem. On March 3 I had to enter
Presbyterian Hospital for the first of two
operations for a double hernia. At this time I
was under the union coverage for medical.
Mr. Muller, who was the owner of the factory or
plant, had promised I would continue in his
employ up until the operation and after the
operation.

When I had the operation I had about
a one-week recuperation. After that I had gone
to see Mr. Muller requesting to be placed back in
employment.

I was admitted to the hospital March
3, 1988. I had the operation the next day, March
4. I received promises from Mr. Muller that I
would continue working because because I had
seniority and was one of the oldest employees.
After the operation and recuperation period, I
returned to Mr. Muller six or seven times during
the course of six weeks, approximately one time a
week, inquiring about his previous status.

Mr. Muller stalled for time and in
the meantime had hired somebody else to work in
his place at a reduced rate. That was sometime
in January.
The plan that I was under at my job was called the American Medical Insurance Plan, which I paid out of my own salary. For some strange reason, the time I was in the hospital, I guess the medical plan was discontinued somehow, and the plan wasn't able to cover any of my expenses. I paid approximately $5,200 out of my pocket -- I was billed $5,200. The collection agency has been after me so I am under some fear right now for my credit.

On May 19, 1988 I wrote a letter to the union requesting action to reinstate me in my position at my previous salary. On May 30 I returned to work, but this time I was under financial stress and pressure, economic pressure. I returned May 30 to work under financial pressure and harassment from the company itself, I was supposed to have undergone two operations, only went under one, so I started to feel intestinal pain again since I went back to work. The same history. In other words, the process was repeating itself medically. On the same day I start to work I told to Mr. Muller about my hernia, the right side, because no
operation yet because very hard to make two
operations at the same time.

I had one operation that Mr. Muller
was aware of and now it was time for the other
operation, so I was undergoing pain at this time.

The union delegate told me go to
Presbyterian Hospital, social service to cover
the operation. I talk to him. It's impossible
because I have more than 25 year in the city,
ever in my family go to the government. Because
I had seniority in the company the health plan
should cover. I was under pressure, that I had
so many years under this plan that I would
automatically be covered. Obviously that wasn't
the case for some reason.

DR. BRANDON: No need to go to
social service.

MR. MATOS: No need. The company
has two incidents, the Blue Cross and Blue Shield
for some people in the company. The other people
punch the card like me, like all the other
people, but some people they have Blue Cross and
Blue Shield. The other person that has very low
insurance plan. I never received an answer why
his medical plan wasn't able to cover that first operation.

DR. BRANDON: But others had the coverage and received benefits?

MR. MATOS: Others had received Blue Cross and Blue Shield. Some employees had a better coverage plan. They seemed to have two basic plans. One was a much better plan as opposed to the plan I had. The other people have Blue Cross and Blue Shield don't have the American medical insurance.

I continued paying from my weekly salary the American Medical Insurance --

DR. BRANDON: But was not receiving the benefits?

MR. MATOS: No. But now I have the same problem, the same history as last year. September 16 I go there, I can't do work because I have hernia pain. I go in the morning. At 3:45 in the afternoon the company call me: Matos, you have to be laid off because you lose many time because of hernia pain.

Now I write the day, I come to prove the day I lose. I have a record of the days I
worked. About five day I lose. That Friday, September 16, I get laid off. On September 16 I notified the company I was taking day off to go to the hospital for pain.

DR. BRANDON: Why do you feel you were treated this way?

MR. MATOS: My salary was $600 per week. I feel basically I was harassed because I was making a fairly decent salary of about $600 a week as opposed to another employee working for about half the salary I would be making.

DR. BRANDON: Because of the salary and not because of national origin or ethnicity?

MR. MATOS: I feel because of my Spanish origin that played a large factor in my treatment. The other Spanish employees that worked for the same firm, when they get about four years of seniority, they are laid off.

Thank you.

DR. BRANDON: Thank you.

MR. MATOS: I was laid off again and presently not working for that company. Basically, I was harassed at work, I haven't received my medical benefits, I was laid off
previously when I had to go to the hospital. I was given a hard time to receive his similar position when he did finally go back and had to undergo another operation. I supposed to have the operation on the right side two months after the first operation. Because my insurance has not covered and I have to pay, I am sort of reluctant to go for the operation because I haven't got the funds.

DR. BRANDON: Just for our records, would the translator state your name.

THE INTERPRETER: Joseph Bresety.

DR. BRANDON: I would recommend that you make a complaint. You can go to the reception desk about the details and procedure of doing that. You have a right to do that.

MR. LAU-KEE: I just wanted to clarify something. It seems we were getting to the crux of it right at the end there where, really, you felt it was because you and other workers within the place of employment were treated differently because of Hispanic origin.

I just wanted to clarify, is that the fact?

MR. MATOS: I am saying that among
the people that are laid off after this four-year period are all Hispanics as opposed to the other groups in the place.

MR. LAU-KEE: Thank you.

DR. BRANDON: You say you were laid off twice.

MR. MATOS: Twice. For operation. They had given me two and a half months. I gave notice that I might be going to the hospital.

Thank you.

DR. BRANDON:

MR. MARINO: The name of my company is Restaurant Operator, Inc., 2330 Broadway.

DR. BRANDON: You are the owner?

MR. MARINO: I am an employee at this place. Cook man. I have been working there from October 1986 until the present time.

Since that time I have received one vacation week and a promise of two more weeks.

DR. BRANDON: Could you speak directly into the mike. That would be helpful.

MR. MARINO: Since that time, October 1986, I have one paid week of vacation and I was promised two weeks without pay, at my
own expense. Basically one week vacation since then.

The problem here is that I took my one week vacation they had promised me. After returning after that one week I no longer had my job. When I returned they said another employee was hired in my place.

What happened is since November I have been unemployed and have not been able to collect unemployment insurance after working since 1986.

I am saying I would like to return to my old job but they refused to give me back my old job. Basically, I feel the same thing, since my vacation they hired somebody else and paid him a lesser salary and I feel it is not because of my personality, just a simple financial means of having somebody else work for a lesser salary doing the same job.

DR. BRANDON: Is it your feeling that it had to do with the employer sanctions? Is that related to it, as far as how you were treated?

MR. MARINO: Basically I had a good
working relation with my employer and I did a
fine job. The problem seemed to stem when I
asked for that one week vacation. When I came
back I found myself without that job. Most of
the employees in this place are Hispanic, almost
100 percent of the employees are Hispanic. As
far as I know, this problem has only happened to
me and not any of the other employees that I am
aware of.

Again as I stated, I am unemployed
at the moment, I cannot collect unemployment
insurance benefits, and I am presently trying to
find employment.

I had a total of almost two years
working for that particular firm. Sometimes they
would make me work overtime, a double tour of
duty. Basically, I state I feel there is
discrimination in that particular operation.
That's why I felt I was treated that way.

DR. BRANDON: When did it take
place? When were you terminated? What month?

MR. MARINO: Last Sunday was my last
day of employment.

That's basically it.
DR. BRANDON: The basis of this discrimination, are you saying it is you are an Hispanic?

MR. MARINO: All employees are Hispanic and when I asked for a one week vacation and took it, they hired somebody else. My main problem is that I am unable to collect unemployment insurance. That's the main problem.

DR. BRANDON: Please tell him to see somebody at the reception desk and they will direct him as to how he might proceed with filing a complaint, if he feels he has a basis for it.

Thank you.

The next is Raymond Colon representing the Brooklyn Borough President's office, Howard Golden.

MR. COLON: My name is Raymond Colon, attorney and immigration specialist on the staff of the Brooklyn Borough President Howard Golden. The Borough President has asked me to deliver his testimony in support of an amendment to the New York City Human Rights law to add "alienage" as a protected class.
Historically Brooklyn has been known as the borough of immigrants, and it is estimated that today, almost one quarter of this City's new Americans live in Brooklyn. We are home to 2.5 million people from more than 90 different ethnic groups.

Therefore, as president of the city's most populous and ethnically diverse boroughs I take a special interest in the needs of newcomers. My office offers a variety of services to help immigrants make a smooth transition and attain their share of the American dream. My efforts would be greatly enhanced if the laws of this city, as articulated in the Administrative Code, are amended to include "alienage" as a protected class.

Title 8 of the New York Administrative Code provides for the establishment of a Commission on Human Rights and created a permanent body to ensure that prejudice, intolerance, bigotry and discrimination would have no place in our city. The empowering statute clearly extends the Commission's purview to people of every race,
color, creed, age, national origin and ancestry. It would be totally consistent with the broad legislative intent for the statute to be construed liberally to include "alienage" as a protected class.

The statute would then be consistent with Section 102 of the Immigration Reform and Control Act of 1986 (IRCA) which prohibits employment discrimination on the basis of national origin and citizenship status. Amending the Human Rights Law in this way would also respond to the real concern of immigrants who fear that the employer sanction provisions in IRCA would result in employment discrimination against noncitizens, ethnic minorities, or anyone perceived by an employer as looking or sounding foreign.

Because nearly 25 percent of New York City's residents, a substantial portion of whom live in Brooklyn, are new immigrants, it is imperative that the City Council amend the New York City Administrative Code to designate discrimination against any alien, an unlawful discriminatory practice. Anything less would
send the wrong signal to millions of aliens who have chosen to call this city their home. It would also say to them that due process, equal protection and all the rights and privileges that American citizens enjoy, will not be extended to them simply because of the way they look or the manner in which they speak English.

Thank you.

DR. BRANDON: Do you think Borough President Golden's office would support the idea of banks not using as a requirement whether or not a person is authorized or unauthorized in receiving a mortgage from the bank? Do you think that should be a requirement?

MR. COLON: Whether "alienage" itself should be an issue?

DR. BRANDON: Yes.

MR. COLON: I certainly think if we are going to be consistent, the bank should not include "alienage" as any sort of category or issue in terms of extending credit. I just don't see that we would be consistent in our posture to support anything else.

MR. LAU-KEE: I think the
distinction we are trying to draw is between documented and undocumented aliens, or persons, whether that should enter into a bank's consideration.

MR. COLON: I am not sure how well versed I am in the banking laws but I would say there are probably thousands of examples where foreigners have applied for loans in this country and they were not legal permanent residents or citizens as part of some sort of venture, some sort of business enterprise. And I believe that they were probably good credit risks, they were probably issued or given those lines of credit. Certainly I think the issue arises when you have the marginal borrowers, probably, but when you have individuals who have a strong credit history or possibly are well based economically, they may not have that problem.

Here we certainly tend to deal in this country with individuals who barely have one foot on the ground economically or that are economically disadvantaged. I think there would be unfortunately ample territory for the banks there to discriminate.
DR. BRANDON: There has been some concern expressed in supporting the idea of amending the Human Rights Law as to whether it would contradict federal law. Would you have any suggestions for wording of such an amendment?

MR. COLON: If you give me ample time to research the questions I am sure I would have plenty of suggestions. Right off the top of my head I would say at this point that amending section -- Title 8 of the Administrative Code -- that's what you are referring to right? -- I think it parallels most of the federal legislation in this area, especially the 1986 act. I think that the act is very clear that it is supposed to prevent discrimination, and I think that to amend the charter would only parallel and be consistent with that. I think it is certainly the right way to go to extend the greatest benefits to individuals who don't necessarily look like your classical Anglo-Saxon American, or individuals who may have an accent. Henry Kissinger has an accent, and no one would argue that he is not a U.S. citizen and would be accepted in most circles.
MS. WILSON: Since we are here gathering information and since you have made such a point of the statistics in Brooklyn, what kind of complaints, what kinds of concerns are you getting and are you gathering information that would be helpful to us?

MR. COLON: I have not been receiving complaints directly. Many of the complaints I have heard are from third parties. You might classify them as hearsay. But they pretty much are reflective of a pattern in which individuals who certainly don't look like your stereotype American are denied employment or asked to produce documents that other individuals would not normally be asked to produce. Again I don't want to isolate on any one sort of ethnic group or one physical stereotype. But I would just say that possibly Asians and Latins, Caribbeans, possibly Africans, sometimes they are not put through the same testing or obstacle course, documentary obstacle course that possibly Europeans, maybe northern Europeans might be.

MS. WILSON: I take it that you are offering a variety of services. Is it possible
you could get us information? Because that's what we would need.

MR. COLON: Certainly I will make it a point to do that now that the Commission has requested such. I will make a very strong point -- express that point to my supervisor that that's what you would like.

What I want to do is work in conjunction with other immigrant advocacy groups. I don't want to be duplicative but I will definitely try to provide that association. So I will do my best to provide that information for you and express that request to the Borough President.

DR. BRANDON: Has your office received any indication of increased discrimination against persons who look or sound foreign since the employer sanctions provision went into effect?

MR. COLON: Again, I have not handled those sorts of complaints directly. My position is one of adviser on immigration affairs, and I personally don't have the staff or resources at this point to take those types of
complaints.

What I have done, though, is referred many of these complainants to the Center for Immigrants Rights, sometimes to the Catholic Migration Services. In fact INS itself, because the act provides for sanctions, and there is an enforcement unit that the act provides for, so I have referred those individuals to INS itself at times.

DR. BRANDON: You referred them to INS?

MR. COLON: Yes, because there is an enforcement unit in INS empowered by the act itself. It hasn't been given a lot of publicity because I believe the statistics at this point don't show a lot of sanctions being applied to employers. That's not to say that discrimination isn't happening necessarily. I believe what is reflective of it is the fact that it is not being reported or well documented. Certainly the individuals that were here before me that addressed the Commission, maybe perhaps something was lost in the translation, but I think you can't always get a feel for what happens in every
work environment. The fact that one individual claimed that many of the other employees were Hispanic, on the surface that might neutralize the argument for discrimination. What it might also say is that it is reflective of a certain mentality of the owner or employer that that's the only type of people he wants to employ because they are more easy to manipulate or dominate, whatever. I don't think we get a true picture simply because everybody there is Hispanic. I think that discrimination sometimes can be individual or it can be general. In fact, their stories may have lost something in the translation in terms of the discriminatory effect of the attitude of the employer.

DR. BRANDON: At this time we are in recess until 6:30.

(There was a short recess.)

MR. LAU-KEE: We are going to resume the hearing now.

I would like to call the next witness, Ramond Broneoso, and we will have a translator.

Nancy, could I ask that you
translate every few sentences.

MR. BRONEOSO: My name is Ramon

Broneoso from the Dominican Republic. I obtained temporary residency on June 30, 1987. During the period of six years I worked with a company at Union 32 E, located at Michelangelo Building Apartments in the Bronx.

On October 13, 1987, Anna Garcia, the supervisor, suspended me from work, alleging not to recognize my immigration documents, that they were not good and were not sufficient and she would not recognize them as such. I affirmed that this is a false allegation on her part due to the fact that she proposed to me to start working as a new employee so as to have me lose my seniority at the company.

As evidence of this I have in my pocket a letter from John Pinto, who is delegate from Union 32 E:

Presently, I have three cases against the company at three different courts. One, discrimination with the Department of Justice in Washington, D. C. This case is being represented by Linda White, an attorney.
Second case in which I am being represented by my attorney Mr. Frank Mare, and I have not received a response from him yet.

The third one before arbitration for the suspension of my job in July of 1988. This case will be heard sometime in January or February of 1988 and there is a second hearing that is presented before arbitration. In all these cases that are being heard, I could document by the evidence that I have a series of injustices against my personhood, developed by the arbitration officer, Mr. Jack Barner, during the period of January 1988.

I also allege against Special Counsel of the Department of Justice in Washington, D. C., and the Furling Services Industries, who in addition to having me fired from my employment at Michelangelo Apartments, has also fired a great many Hispanics from their administration. Including the president, three vice presidents, and more than 100 percent of the workers at Michelangelo during the period of 1983 until now, where the firing continues.
I am actually unemployed, which has never happened to me before, and I demand a close investigation from the Commission of Human Rights of the company, Furling Services Industries, especially the Michelangelo Apartments.

Thank you very much. Do you have any questions?

MS. WILSON: I would like to know about the workers that were fired. Is that a period 1983 to 1988?

MR. BRONEOSO: Since 1983 this is for Michelangelo of Furling Service Industries.

MS. WILSON: The characteristics of the persons that were fired, I would be interested in hearing about that.

MR. BRONEOSO: They have no distinction of people. They just fired. They are really concerned in hiring people who come out of jails, et cetera. I believe it is an injustice against employees in general, which is why I am demanding an investigation of this company.

MR. LAU-KEE: Could you tell us in a little more detail or explain exactly what the
grounds for when he was fired. You mentioned it was because of documents. Could you give us a time and how it happened?

MR. BRONEOSO: On October 13 Anna Garcia asked me for my immigration documents.

MS. WILSON: What year?

MR. BRONEOSO: 1987. First thing, this is an illegal action on her part because I was her employee for more than six years avoiding any type of trouble or confrontation, I gave her the documentation she requested. Including income tax information dating back to 1981, my driver's license, my Social Security card, my temporary residency, in addition to other documents.

MR. LAU-KEE: Then when she terminated your employment, what grounds -- if you had given those documents -- what grounds did she use?

MR. BRONEOSO: I have in my power the letter she gave me indicating that I provided documentation. Does she want the documents dating back to 1982, which is the year I commenced working with the company? I can
produce these right now. I have the documents right here, the letters.

MS. RUSSO: You said that you have three cases going. How did you know what court to pursue it or what to do about the discrimination?

MR. BRONEOSO: I reported to Union 32 B when I was terminated. The union itself presented the case before arbitration. Since I wasn't satisfied I went before Commission. On December 1, 1987, I went before the Commission of Equal Employment. I was interviewed by Jose Dennis. He called somebody from the company. Jose Dennis told him they were mistaken, that they should rehire him and pay me for all the time I had lost. They made a promise to rehire me and to pay me for the time lost. They call me at home so that and said I could return to work on December 7, 1987. When I returned to work everything was the same, normal, but they continued to claim that the Federal Government had sent them a letter from the Federal Government indicating reasons why the union had to pay for the time lost. That money was never
paid to me and Jose Dennis stated that that
letter, in essence, was not necessary.

MR. LAU-KEE: Thank you for your
testimony. If in fact you do want to pursue some
sort of remedies through the Commission on Human
Rights, you can check with the reception desk and
a staff member will assist you.

I would also like to call Augustine
Lao.

MR. LAO: First I would like to say
thank you to the New York City Commission on
Human Rights for inviting me to testify and for
organizing this very-much needed public hearing.

For the last three years I have
worked as director of two of the most important
Latino organizations for immigrant rights in New
York City: The North Manhattan Coalition for
Human Rights and the Espanol National. Presently
I am working on the effects of IRCA on Latinos.
IRCA is the end result which give content to
widespread antiimmigrant sentiment in government
and civil society. The same kind of imagination
that thinks that immigrant workers are taking
jobs away from American workers is often the one
that perceives aliens for a cluster of social programs such as drugs.

Immigration policy and legislation has proven to be an extremely useful artifact for the main agendas for federal conservatism that presently govern this country: Labor control, exportation policy, racial and national and ethnic in equality. The employee sanctions and the doubling of the INS budget for enforcement accompanied by limited and problematic process identified IRCA as a protection for surveillance has opened doors for discrimination.

The law itself contemplates that reality, but its definition of discrimination is not to IRCA specifically related discrimination to those who are to become U.S. citizens. Therefore, it is extremely limited.

We define discrimination as the systematic denial of rights to a particular group with the concomitant negative and relatively enduring social effects. In the case of Latino immigrants, they are very often discriminated as immigrants, as people of color, as Latinos, and as gay and women. Let's check some of the
discriminatory scenarios we have experienced since IRCA was enacted.

One, the people who have been more directly affected by IRCA are the undocumented. Since the law was approved we calculated thousands of people have been fired in New York City. Many of them grandfathered like the 83 female garment workers that we saved from being fired in December 1986. The exacerbation from fair labor conditions such as below minimum wages, long hours, no health and safety benefits, points to a defamation of a permanent and political underclass of undocumented workers, contrary to the intention of the law, which is to discourage illegal immigration and to encourage people to leave the country. It is common to find 14 undocumented immigrants, say, Mexican sharing one bedroom apartment in South Bronx or East Harlem or on the verge of homelessness because both partners lost their jobs for not having papers.

A telling example is Garcia, a Colombian woman who did not apply for the amnesty because she could not find a wealthy family with
whom she used to live in Florida for the proof. Now she is under deportation proceedings because she was taken by the INS in a factory raid at Queens. She lost her job and went back to work as a housekeeper for $150 a week.

Number two, there has also been an increasing INS factory and community raid which implies a systematic violation of the constitutional right recognized for aliens.

For example, in a factory raid in Queens workers were not allowed to call their lawyers. In Long Island there are reports of INS stopping alien looking people on the highways.

Three, there are many immigrants eligible for legalization who have lost their jobs. Some because their appointment and work permit has not come yet, because of a backlog in the process. Others because the employer is insecure about the validity of their papers.

Or like Mr. Broneoso, who just spoke, because the employer used the novelty of his legal status to get rid of him arguing that he is not a U.S. Citizen.

Four, finally, there are naturalized
U.S. citizens and minorities who have suffered from the surveillance attitude promoted by IRCA. This is the case of Mr. Francisco Matos, who testified also here, a Dominican naturalized U.S. citizen who now has a case against an employer who fired him because he is a Dominican immigrant.

Our conclusion is you cannot isolate immigration related discrimination from other types of discrimination, especially discrimination on the basis of national origin, because they are very closely intertwined categories. Old and new Latino groups are both immigrants and both Latinos. Discrimination against them come from the same societal causes, economic and unequal bias, result from marginalization, powerlessness and poverty.

Two of the most prominent cases of racial bias and police brutality were against two immigrants, one Rodriguez and Griffith. The scapegoats of immigrants of social problems is also the one that lies behind the Puerto Rican attorney because she spoke Spanish at the workplace. The company has a policy to address
discrimination against minorities, against immigrants. What is needed is a particular policy against immigrants to be refined at the local level in order to pressure the Federal Government for a more humane immigration policy.

Among the recommendation we made are, one, the establishment of a special unit within the New York City Commission on Human Rights to do crisis intervention, information and referral, investigation and legal defense in all forms of immigration related discrimination, especially labor, housing, sex, national origin and legal status related discrimination.

Two, to develop a citywide network to document and monitor IRCA related discrimination of any kind within a broader definition of what discrimination is than the one given by IRCA antidiscrimination provision. This documentation to also guide antidiscrimination local policy and be presented to the GAO and to Congress to take into account when the employer sanctions will be sunset in November 1989.

Three, to allocate more city and state funds for legal resources for defense of
immigrants in all matters, including defense
against INS abuse of their due process rights and
proper performance of their labor rights.
Prospects of litigation to be looked into.
For instance, regarding the
applicability of the Fair Labor Standards Act to
undocumented immigrants or their relationship
between immigration and national origin
discrimination.

Four, to integrate the discourse and
the cultural, political and economic
contributions of immigrants to standard social
studies and also to present immigrant rights
issues as key components in community workshop
and teachings on racial and national and ethnic
harmony and integration in New York and in the
U.S.

Five, to support initiatives by
Councilman Rivera and Assemblyman Carpano
together with the Church Coalition to reject
employer sanctions as discriminatory and to
advocate enforcement of article 23 of the
Universal Declaration of Human Rights, where the
right to work is recognized by anyone. The
plight of the immigrants is a barometer of a more
democratic and more just social country.

Thank you.

MR. LAU-KEE: Thank you.

MS. WILSON: You didn’t mention the
passage of the amendment to the Administrative
Code we are talking about here as something you
would recommend. Would you recommend that as
well? We are considering adding this to the
Code in New York City so complaints could be
filed based on alien status. Are you in support
of that?

MR. LAO: That is perfectly
consistent with the recommendations I made.

MS. WILSON: I was interested in
finding out why that was left out of your
recommendations.

MR. LAO: I didn’t want to mention
something already done.

MS. WILSON: I just wanted to know
if this was a remedy you thought appropriate.

MR. LAO: Yes. The City has taken
very positive steps toward the defense of the
rights of immigrants, undocumented in particular,
like the memorandum of the Mayor in 1985. And the educational programs, the CDA funding. So I think that this is consistent with the policy that has been taken before.

MR. LAU-KEE: Do you have any information as to what we have been concerned about and asking a lot of our witnesses what they would feel should be done in a case where an undocumented person applies for a bank mortgage? Do you think that the banks should consider whether they are documented or undocumented in giving them the loan?

MR. LAO: Well, the position that I advocate, which is not only mine but it is the position advocated by many other people who understand that the undocumented are people who contribute, including financially, to society.

For instance, the story that it is more than twice the contributions of the undocumented to the city economy than what they get back in social services in San Diego. I think that people should be allowed to have all the resources to live a full life. So I will be in favor of that as well as any other condition
of living that is fair for anybody. I think it is a basic human right.

MS. WILSON: The GAO hasn't asked you for your information, I assume? They haven't asked you to give information or testimony about discrimination?

MR. LAO: Well, for the last three years I was working very much in advocacy and service and we didn't have much time to do research. Now I am dedicating more time to do research. So together with the efforts of other people, I think that there is a concerted effort to develop an alternative methodology to the GAO. To give them information but also to let them know that the way they are gathering the data, the understanding of the categories of analysis they have is very narrow. And in order to fully document what's happening, you need to go far beyond what the GAO is doing.

MR. LAU-KEE: Thank you very much.

Our next witness will be Professor Mark Barnes, Columbia School of Law.

PROFESSOR BARNES: Thank you. I believe you have copies of my testimony. I won't
read the entire thing. I want to talk briefly about the recent U.S. regulations which have been passed which mandate HIV testing as a condition of receiving permanent resident status for U.S. citizenship.

U.S. regulations on AIDS and immigration became effective on December 1, 1987. The regulations mandate the serologic testing for HIV antibodies as part of the medical examination required for all aliens over the age of 15 who are applying for an immigrant visa or permanent residence. This encompasses testing immigrants in their countries of origin, as well as undocumented aliens already in the U.S. seeking "legalization" under the amnesty program, and other aliens seeking adjustment of status from refugee or political asylee to permanent resident.

If a government medical officer believes that an applicant under the age of 15 is affected, HIV testing may be required even of an applicant less than age 15. Those immigrants or aliens found to be HIV seropositive are barred from entry and can become deportable.
The Attorney General can grant discretionary waivers from HIV/AIDS exclusions for legalization applicants and refugees; but such waivers have been very difficult to secure, and despite many applications, only a few have been granted. No such waiver option is available under regular immigration programs; for seropositive persons applying under those programs, there is no hope for gaining permanent resident status, much less eventual citizenship. From a public health perspective, this screening program has had significant effects throughout immigrant communities in the United States.

Increasing evidence suggests that in the United States, mandatory HIV screening of immigrants and undocumented aliens applying for legalization of their status is thwarting public health objectives. A fear of deportation and AIDS-related discrimination is discouraging undocumented aliens from seeking a legalized status and from seeking appropriate medical treatment, health education and legal counsel. At the same time, aliens who do seek legalization of their status or immigrants who seek permanent
residence in the United States often undergo HIV
testing that is substandard in administration and
practice.

Reports from service agencies in
various cities in the U.S. indicate that numerous
undocumented aliens have declined to apply for
legalization of their status and are hiding out
to avoid deportation, thus also avoiding proper
AIDS education, counseling, and medical and legal
care.

Take, for example, Ignacio Bertal,
an undocumented Mexican living in New York City
who, according to his private social service
caseworker, shows symptoms of AIDS: a dramatic
loss of weight, swollen glands and night sweats.
Despite appeals from friends and caseworkers,
Ignacio refuses to go to a doctor for fear of
being reported to the INS and deported. Even
though he has been assured confidentiality by
private agencies which assist people with
AIDS-related issues, his distrust of the INS and
the medical establishment is so deep that he
insists that he is better off living -- and
perhaps dying -- alone and underground. Recently
Ignacio lost his job; he does not receive public assistance. And he did not, of course, apply for legalization of his status.

For many undocumented persons who, like Ignacio, have HIV infection or AIDS-related medical conditions, fear of deportation because of illness, and fear of discrimination because of their HIV infection, have been added to fears about their undocumented status. Such fears, moreover, are not irrational. The INS office in Miami has recently threatened at least three HIV seropositive aliens with deportation, solely because of their HIV status. At the same time, as the experience of the Haitian communities demonstrates, AIDS discrimination is a very real and pressing problem for groups of persons perceived to be at high risk for AIDS or HIV infection.

Another major problem in immigrant communities is the process of HIV testing under the INS regulations. The testing occurs in this way: An applicant for immigration or legalization must be examined at his or her own expense by a physician, a "civil surgeon," who
has been approved by the INS. The examination includes an HIV test.

The civil surgeon, after receiving the report of the HIV test from the laboratory, gives it to the alien in a sealed envelope; the alien then delivers the envelope unopened to an INS officer. Since this procedure began in late 1987, there have been numerous anecdotal reports of major problems. It has been reported that some civil surgeons give no pre- or post-test counseling; that those surgeons who do actually counsel may speak no language but English; that the alien is often not informed by the physician of the HIV test results; that the alien first learns of the HIV test result from the INS officer who opens the envelope; and that such INS officials themselves have had no AIDS education or counseling. According to some case reports, the finding of positive HIV test results in the envelope has even led to immigration officers "running out of the room" to get away from the seropositive alien, apparently out of a fear of casual transmission of HIV.

Other examples of poor health
practice in this program abound: One New York civil surgeon offers no pre-test counseling and only offers post-test counseling to aliens who receive positive test results.

Another New York testing facility recently received a positive HIV test result for an alien and shouted out the results to him across a patient waiting room, in front of numerous people.

At a third facility in New York, a Peruvian man received no counseling at all, never received or signed an informed consent form, and never even knew before he took the HIV test that a positive result would in any way harm his application for legalization of status. There have also been reports of testing facilities that administer only ELISA tests to immigrants and do not perform the confirmatory Western Blot test. We will in all likelihood never know the extent to which normal protocols of counseling and education have been violated in the United States immigrant testing program. Aliens are not likely to report such violations and may not even know that, in fact, certain practices are
violations of a health code or of medical ethics. In summary, the mandatory HIV testing program for immigrants has compounded problems for immigrant communities in the United States. The labeling of some persons as HIV-infected through substandard testing has created problems of AIDS discrimination, driving these persons underground and further away than ever from medical care, and from public health efforts to control the AIDS epidemic.

MR. LAU-KEE: Professor Barnes, I would like to ask you, could you highlight for us, it would seem to me -- and you just touched on this in your final couple of sentences -- if these people who are being tested for this were not immigrants but tested in another context, say, how would these practices hold up to scrutiny? Would there be a violation of medical ethics, probably a violation of certain laws? Can you elaborate on that?

PROFESSOR BARNES: Sure. There are state health department memoranda in effect which outline the appropriate procedures for pre and post test counseling, informed consent and
confidentiality for HIV testing that occurs in New York State. And those are procedures that have been outlined in state health department memoranda since 1985 when HIV testing first became available and they have been codified in the new confidentiality law signed by Governor Cuomo on September 1.

The problem is that -- actually under those laws and regulations every health care professional in New York State, regardless of whether the patient is undocumented or documented, ought to be given the test only with pre- and post-test counseling, informed consent, but the problem is that these testing sites, these civil surgeons in New York often times, they do not seem to be aware of these regulations, they don't seem -- they certainly don't comply with them and I think the people who receive testing oftentimes don't know that there are these memoranda, there are these regulations out there to protect them.

MR. LAU-KEE: By virtue of the person who is being tested as part of the immigration process does not take these testing
centers out of the purview of the procedures and
laws you are talking about, is that right?

PROFESSOR BARNES: In my view it
ought not to. The problem is one of Federal
pre-emption.

MR. LAU-KEE: Is it Federal
pre-emption if it is a state licensed facility?

PROFESSOR BARNES: It is a state
facility. My impression has been, although I
don't know this firsthand, the State Health
Department and the City, I believe, too, to stop
these kinds of practices even if reported because
of the problems they might get into with the INS
essentially.

My personal opinion is that by
forcing these testing sites to comply with the
state regulations, you are not really pre-empting
the necessity for the testing; you are simply
putting further stringent conditions on the way
in which testing must occur. I think there is a
strong argument that the Federal Government now,
especially now with the composition of the
Federal courts, that it would be pre-emption for
the state to enforce these regulations against
the civil surgeons.

MR. LAU-KEE: The test may be mandated by the Federal law but do you have any idea whether just because they go to a testing center -- my understanding is there is probably a list of testing centers and they can go to anyone they choose.

PROFESSOR BARNES: I guess there are about 50 or so in New York City.

MR. LAU-KEE: They do other tests at those facilities, so I can't see how that makes it a federal facility unless they pre-empt it.

MR. BARNES: I would agree with you but I think there has been some law on this problem of pre-emption. Also the testing program, although it has been in existence for ten months, it started last December, we are only now beginning to see the full effects of it because of the fact that the legalization applicants are just now, the first wave is hitting the physical application process, the process of getting these certified test results. So that we are not yet really seeing the full impact of these regulations and the lack of
compliance with the standards of pre- and post-
testing counseling.

MR. LAU-KEE: Do you know of any
group or individual that is trying to really look
into this issue further, possibly bringing those
facilities into compliance?

PROFESSOR BARNES: I think after the
state confidentiality law goes into effect on
February 1, 1989, although it was passed in
September it won't go into effect then, I think
the state Commission, if put under pressure, will
do something. You might have heard from Ms.
Rabinowitz of the ACLU this afternoon, and they
are focusing on the problem.

MR. LAU-KEE: I didn't want to
detract from the focus of your testimony, which
really is in spite of how they do the testing,
the testing itself does have a very negative
impact on the documented/undocumented population
within the city.

PROFESSOR BARNES: What has happened
essentially is that people because they fear they
might test positive did not come forward before
the IRCA application deadline and apply simply
because they heard that an AIDS test was going to be required. They didn't want to be tested so they just didn't come forward and apply even though they might have been zero negative and quite eligible for amnesty.

MR. LAU-KEE: Under the law, the INS is prohibited from using the information gained in these tests, these HIV tests, for deportation proceedings, I think for persons that are here, is that right?

PROFESSOR BARNES: That is true for IRCA. It is not true for Cuban Haitian adjustment and it is not true for the regular immigration application procedure. It is only true for IRCA.

MR. LAU-KEE: Do you know whether this is really being adhered to?

PROFESSOR BARNES: Like I say, we have been afraid of what would happen and just two or three weeks ago we received -- three Haitians who received letters in Miami, summoning them to deportation hearings because of their sero-positivity. They applied under the Cuban Haitian adjustment and not under IRCA. I don't
know what the regional offices are going to do, but the Miami office has begun the deportation proceedings against these three people. What I heard that that has struck fear into the entire Haitian community in Miami.

MS. WILSON: Do you have any particular recommendations for this body on the basis of this nightmarish kind of stuff?

PROFESSOR BARNES: I do. One thing, as I was sitting here listening to previous testimony, one thing that strikes me is, for your purposes, what is quite interesting about AIDS is the changing face of the AIDS epidemic in New York City. About a year ago we saw the percentage of gay white men who were diagnosed actually going under the 50 percent mark and we saw the black and Hispanic percentage going above 50 percent. So that now in New York City about 54 percent of diagnosed AIDS cases occur among people who are black, Hispanic. So I think in the future what we are going to see because of the epidemiological trends is that the percentage of people in the minority communities, that percentage will increase. I think we are going
to see that AIDS in New York City is going to become less a gay disease than it is going to be perceived as a disease of poor black and Hispanic people. Essentially it could also be poor Dominican people, poor Haitian people, poor people from central Africa, poor people who live in the Bronx, Brooklyn, who live in various neighborhoods. So that I think that you have in this scenario, the way the epidemiology of AIDS is playing out in New York City, you have a fear of AIDS and infection coupled with this fear of people who are perceived to be different in a certain way, first it was gays and now the minorities.

MR. LAU-KEE: Thank you very much.

I would like to call on William Hernandez and I believe that you will be bringing several witnesses.

MR. HERNANDEZ: My name is Willie Hernandez from El Salvador. I will try to present to the panel here what is really going on with the Salvadorean community in Long Island. I am a director of social service in a group that is called Central American Refugee Committee.
Since basically when IRCA was signed in 1986, November 1986 the Salvadoran community found it hard. Now that the immigration is starting to make hard -- I can't explain it -- to enforce IRCA, the situation is getting harder. For instance, at the beginning of this year in our office, which is to help people maybe five, ten, 20 a week, now we are helping 10, 20 a day. People who need a job, people who need help to go to the hospital, people who need a home because they are homeless. We feel that this law basically is very discriminatory against Latinos, against Salvadoran people specifically.

Maybe you know, we come from a country which is in a war at this moment, a country which since 1980, more than 65,000 have been killed, a country where the United States government has spent 2 million a day in military equipment and economic aid to Salvador.

At this point what we are asking of the government of the United States and to the people like the New York City Commission on Human Rights to help us to gain a political refugee status because we consider that we have the right
to have that, to be a political refugees here in the United States; to have the same position of the Cuban people. We feel that in El Salvador we have a political crisis. So we ask to be recognized as human beings. And because of all of the necessities, we are launching a campaign now that we would like to give you a brochure on afterwards. It is very painful for us to see when the immigration enforce these things against our people. We cannot go back to El Salvador. We can be killed. There is a war going on in my country, like I said at the beginning.

MS. WILSON: Can you say more about the most frequent concerns you get? You say you get ten a day now as opposed to a week. Are you hearing a lot about housing problems? Of course you are hearing about employment but could you say more about the kinds of concerns that are coming to every day?

MR. HERNANDEZ: Food. Before I never use to see Salvadoran homeless, now I see a lot. People who come to us and ask us to give money to pay the rent because otherwise they are going to be thrown out. This is one of the
things that concerns us. We are not a handicap. We want to produce. We are hard workers. We would like to be treated like human beings.

MS. WILSON: This is tied definitely to the passage of this law?

MR. HERNANDEZ: Yes.

MR. LAU-KEE: Do you specifically get complaints that say that because of the documentation required, or they cannot find jobs; I assume the root of the problem that they can't get housing and other things is that they can't find the employment.

MR. RAMIREZ: Definitely. In some cases I have been hearing is they have like a temporary resident card and they go and ask for work and they are denied, the employers.

MR. LAU-KEE: What do they tend to do in that circumstance? Do they know that they can bring any sort of action?

MR. RAMIREZ: Yes. Unfortunately our people live very -- are ignorant in terms of the law. So they don't know what to do. They don't know that they can file a complaint against the company. Also a lot of people have been
fired that have been grandfathered and people
have been fired because of that. That is no
reason to fire them. Again, we feel that it is
very discriminatory law against the Latino
people. Because myself, for instance, once I
went to apply for a job in a company that they
make books in Spanish. I show my temporary
resident card and the owner told me they have a
strict law just to hire either U.S. citizens or
people with green cards.

MR. LAU-KEE: So they denied it
because you had a temporary resident card.

MR. HERNANDEZ: Yes.

MS. RUSSO: What did you do?

MR. HERNANDEZ: Actually, I didn't
do anything. I just went looking for jobs. I
don't have that money to pay a lawyer. So I
prefer looking for another job. Like I say
again, it is hard. For instance today I was
reading an article in local paper from Glen Cove,
Long Island, Nassau County, and there is a lot of
people who go down the street to wait for someone
who can offer a job. I think the mayor of Glen
Cove called immigration and all these people were
picked up. About two weeks ago this was. We
don't want to see that with our people again.
Just in the Village of Hempstead there are 20,000
Salvadoreans. In the whole United States more
than a half million at this point. Like I said,
we don't come here because of economic reasons
but because there is a war in our country,
because the U.S. intervened in my country, in our
internal affairs which we don't think is correct
as well.

MR. LAU-KEE: It sounds like your
organization is really based out in Long Island,
which is beyond the jurisdiction of the city, is
that correct?

MR. HERNANDEZ: Yes, we are in
Hempstead but we try to do work everywhere
because unfortunately we can't afford to have an
office here in the city.

MR. LAU-KEE: I want to mention that
I would assume now there are remedies available
that you can go to the Office of Special Counsel
in Washington, D. C., State Human Rights
Commission as well, and they have remedies. So I
would encourage you to make people aware of those
remedies that they do have. It doesn't require a lawyer to do that.

MR. HERNANDEZ: We have been working with Mark Lee. They always put the bill on the floor. About two weeks ago it dropped off, the bill. So we have to start it all over again. Again from more than a half million of Savadoreans, I guess 2 percent of those have been granted political asylum here in United States. What we are asking again is being recognized as political refugees because we want to be treated like the Cuban people, like the Nicaraguan people, they come here and right away they become political refugees.

MR. LAU-KEE: I am glad you are here and working from that angle, but I just wanted to just emphasize that there are remedies available to you and to people in the situations you were describing right now through those agencies and you don't need a lawyer to do that. If somebody has that problem you are talking about in employment, they can call these people and have something done. They don't have to just take it and back away.
MR. HERNANDEZ: Thank you.

MR. LAU-KEE: I would like to now call Arturo Torres. I believe the interpreter will be Felix Resto.

MR. TORRES: My name is Arturo Torres. I am also here from El Salvador. Ever since the IRCA law went into effect, it has resulted in massive difficulties for my community and for other central Americans also in the areas of employment, health, housing and food.

In addition to the situation because of the IRCA law the unique situation is we are here as political refugees caused by U.S. intervention in El Salvador. That has created worries in the community. If we are sent back to the country it is almost certain death by the hands of the death squads.

I am requesting that the Commission support the whole issue of refugee status for other refugees from noncommunist countries; in our case even though there is a war with no end in sight they need a lot of support to pass it through the U.S. Congress, the bill that the gentleman spoke about earlier. It is a matter of
life and death, not just survival. Not just survival but a matter of life and death, which also goes for other central American countries also.

Thank you.

MR. LAU-KEE: Thank you very much.

MR. TORRES: If you have any questions, I will answer.

MR. LAU-KEE: Our next witness is Victoria Gambino, Community Women's Network.

MS. GAMBINO: Good evening. I am here on behalf of Maria Lopez who cannot make it here tonight. I represent the Public Relations Committee. We are immigrant families coming together to participate fully in our communities to develop leadership initiatives affecting all of us. Our main concern in the education our children are receiving in our public schools, medical services, housing, immigration and employment.

Today we are presenting problems that affect approximately 400,933 single mothers in New York City. Women in New York City head of the single household are denied housing because
there is no male representation. In the Bronx there are 104,554 heads of the household. In 1986 these families lived below poverty level. Projecting this statistic to the need of housing in the borough, it is urgent that housing regulations are changed to facilitate renting apartments to single mothers.

Very often we are turned down by landlords who do not want children in their buildings. This is telling us that our children are not wanted. As immigrants we are also being discriminated because some landlords may not want to rent to immigrants. So we are being discriminated against twice. We recommend that a special unit be created to report these incidents to the housing discrimination unit. We would like to see more information distributed to our communities, especially in supermarkets, grocery stores and other places that we most frequently visit.

Thank you very much for giving us this opportunity.

MS. WILSON: I would like to hear what you hear women saying regarding being turned
down for housing because of immigrant status.

MS. GAMBINO: Do you have a husband, is some somebody going to be paying the rent on time, do you have children, how old. We are trying to get instances as stated from the landlord where if you have a child under a certain age, they won't allow you. They want to keep a quiet building with elderly living there. It is difficult to get an apartment and the landlord asks do you have a job, how much do you make. Some of these women are undocumented and they do obtain jobs -- let's say they are working off the books. They are willing to pay their rent on time, it is just that they are not given the opportunity to lease an apartment. They manage themselves pretty well, but it is difficult when you have four or five children and the landlord will say we have no vacancies. So we are trying to gather some actual reporting so we can submit it to the Commission.

MS. RUSSO: Do you find that the landlords ask for proof of citizenship or ask for some papers?

MS. GAMBINO: From what I observed,
either from their appearance or let's say if you have an accent, they are automatically stated that I am sorry, I guess you won't be able to handle the rent or whatever problems come up in the amount. We are seeing that many landlords turn so-called immigrants away because of their appearance, their language, and if you have kids, well that's just a negative.

MR. LAU-KEE: What is done by these single mothers, do they make complaints or they don't really know about it?

MS. GAMBINO: We try to encourage them to come forward but they are afraid because they don't know if they might be reported by the landlord and since immigration is not aware of them, they, I guess, say no problem, and they continue to go on to see if they can rent an apartment.

MR. LAU-KEE: Do you also find that this happens with people who are entitled or who are documented, to women who are documented?

MS. GAMBINO: Yes, if there is not a male present they will not -- they will say I am sorry or that we don't have a vacancy.
MR. LAU-KEE: Do these people tend to make complaints or they don't?

MS. GAMBINO: If they are not aware of this information. That's why I feel it should be known at least to the community, let the public know, especially the undocumented so they know they do have rights to housing. They should at least give them the opportunity to at least get an apartment, at least show them they are responsible enough to pay their monthly rent on time; that they are able to go out there and get a job even though off the books, but they are able to pay the rent. It is truly unfair they have to go from apartment to apartment trying to find a place. They are told that you have kids, I am sorry, there is no male present and you are not qualified.

MS. RUSSO: What do you think is the most effective way to educate mothers who are in this situation?

MS. GAMBINO: Let them be aware that they do have rights like everyone else in this country. Regardless of where they come from they do have their rights and try to have maybe a
conference. We try to have weekly meetings, let them know what's going on, what laws have changed, and at this time to let them know they do have a place where they can come and voice their complaints and they will be heard, and hoping that something will be done.

MS. WILSON: Because of these hearings it would be helpful for us to know if you really see a great kind of new discrimination based on this law. I mean you have meetings where you hear more and more women. We are concerned about this being lodged in, the usual kinds of discrimination because you are a single parent, and we know that's a big problem. But have you really seen there are more women saying now it is even harder because of this law? They know something is happening even if they don't know about the specific immigration law.

MS. GAMBINO: We have seen that the number is increasing. It is difficult if you are not permanent, a permanent resident and you do not have a job and the job is off the books and you are getting paid a certain amount of money. It's true you do sometimes fall behind but if you
continue trying at least to maintain the job, even though it is off the books and you are showing the landlord that I am able to pay my rent, I should have the right to live in an apartment if I have children or not.

MR. LAU-KEE: Thank you very much. I would like to call upon Angela Liriano, Citizens Advice Bureau.

MS. LIRIANO: Good evening. I am Angela Liriano, Project Coordinator at the Citizens Advice Bureau's Immigration Project. We are located in the Southwest section of the Bronx. Our services of immigration information and counseling primarily focuses in the Bronx, but is not limited to other boroughs in the City.

The characteristics of this population are:

One out of four New Yorkers is a foreign-born immigrant.

This population of immigrants and their families falls into different immigration categories. Some become American citizens though naturalization; others are legal permanent
residents, and some are seeking political asylum.

From 500,000 to 750,000 are undocumented.

Fifty percent of the undocumented population are women, with United States citizens children and United States citizens relatives. New York City immigrant population is young, many are unaware of City services and are afraid to come forward for information.

The Bronx immigrant population is from many different nationalities but their immigration problems are in many ways related.

On November 6, 1986 a major immigration legalization law was passed. This law provided an opportunity for undocumented immigrants to become legal permanent residents in the United States. Unfortunately, employers' sanction was implemented. Employers' sanction prohibits the hiring by employer of undocumented immigrants and the hiring of unauthorized workers. This has opened the door to exploitation, discrimination and abuse against citizens and immigrant workers.

Employers sanction intensifies poor
working conditions and creates other social
problems with far-reaching solutions. Permanent
residents, naturalized citizens, American-born
citizens are being denied employment because they
do not have proper identification, meaning a
passport, birth certificate.

At the Citizens Advice Bureau we
have received telephone calls from American-born
citizens that need information on documentation
required by the law. During the years 1983-1986,
338,044 immigrants adjusted their immigration
status, 333,374 immigrants selected New York City
as the place of residence. We have now a
greater need to provide these newly arrived
immigrants with information about their rights to
information.

The Citizens Advice Bureau's
Immigration Project would like to recommend the
following:

Immigration information be
distributed at local schools to inform parents
about protection that they have in the United
States. Employers sanction information campaign
to inform all residents of the United States,
undocumented or documented, about their rights as immigrants. A media campaign is needed to inform different immigrants' communities about Commission on Human Rights Services and to develop community participation in public hearings.

MS. WILSON: Well, because we are here to talk about also an ordinance that would really add aliens as a protected clause, and you were talking about information, which seems really important, but do you see adding aliens as a protected class or discrimination based on alien status or perceived status as an important piece of this?

MS. LIRIANO: It is important because the large number of people we serve, most of them are undocumented. Most of them need to be protected. Unfortunately being that the laws have been passed but there is no protection for us. If we are an American citizen, a naturalized citizen you will still be discriminated because you have an accent or the way you present yourself. We come from a different country. We can easily pick out someone who has migrated from
the United States or someone born here. A lot of people need to be protected, Africans, Haitians, Colombians. If we take it further up to the Puerto Rican community we will see an impact. They need to be protected and a lot of them are being discriminated against.

MS. WILSON: So you could get information out to people if we would put this into the City Code?

MS. LIRIANO: Yes. We will make that information to the community, where we feel that information should be disseminated. Because we need to get more people to be informed about their rights. What we are seeing is that people are afraid to come forward, and they have identified themselves with a community group such as ours who will to go fight for their rights. That information should be there.

MS. RUSSO: Could you give us any estimate of the number of calls that you receive or increase in the number of calls?

MS. LIRIANO: We get different phone calls relating to different immigration problems. Relating to employer sanction we may
get five calls a day. Most calls we get from American-born citizens. That's the part we felt more impacted because if you are an American citizen you have a right not to be asked for documentation in employment.

We have an instance of a woman looking for employment and at that moment she did not have with her her birth certificate. She was told you need to get your birth certificate and passport. So she needed to get out, get a passport, $41, she did not need it to travel. So in this case she had to spend $40, and go to North Carolina to get the birth certificate.

The employer was willing to hold her position for two months until she got the documentation but she had to spend money to get the passport and birth certificate. She is a black American-born citizen. Those are the instances where we feel that employer sanction is discriminating against all of us, no matter if you are born here, if you come from another country or become a naturalized citizen. This is important for us because there are so many American-born citizens and naturalized citizens
who have been discriminated. They didn't want to
come to this hearing because they didn't want to
be identified as an immigrant.

MR. LAU-KEE: Thank you very much.

I would like to call as our next

witness Joseph Azar.

MR. AZAR: I am Joseph Azar, the
disciplinary advocate from the Department of
Consumer Affairs, and I am here to voice the
concern of my Commissioner and myself and many of
our Hispanic colleagues in city government
relating to the dire impact of the Immigration
Reform and Control Act as well as to voice our
support for the legislative initiative as to
which the Commission is holding these hearings.

My history with immigration is
somewhat long. I used to head its central
American Refugee Center in Hempstead. A number
of the Central Americans that have testified here
are former clients of mine and I am also a member
of the Advisory Committee to the New York State
Inter-Agency Task Force on the Immigration Reform
and Control Act. In short, I work with Arthur
Helton.
I am not going to bring up any of the evidence of the way lives have been shattered and broken by this new law. I think the Commission has heard enough of that. But I think as an Hispanic and a Caribbean in this, the largest Caribbean city in the world, the best that I can do is to try to put this very misguided immigration law into some kind of inter-American context, leaving out now Europe and the Far East. Just looking at it from the Americas. I think some points have got to be made and I would have been up here long ago had I realized that many of them were not going to be made during the course of these hearings.

The IRCA occurs in a sociopolitical and economic context, which is inter-American more than anything. One might wonder what relevance that has to a human rights initiative in the City of New York, but we need only look at the fact that this is the biggest Caribbean city in the world. This is a very important center of inter-American relations. So the concern the New York City Human Rights Commission has is not by any means low on the scale of international or
Inter-American concerns.

The efforts at immigration reform began in the 1960s and they failed consistently throughout the 1970s and it wasn't until after 1985 that the forces in support of the so-called immigration reform act succeeded in getting enough of a base and alienating much of the opposition to give this law a chance to succeed.

But unstated and unrecognized in this whole mess has been the fact that immigration and the immigration crisis as a crisis is not an isolated phenomenon. The flow of immigrants, undocumented immigrants, does not occur in a vacuum. There are many other flows that occur in the Americas. These flows are economic, they are cultural, they are military, and most importantly they relate to wealth.

Wealth flows.

Now if I were to ask any member of the Commission here which region of the Americas is wealthier in resources, north or south, north of the Rio Grande or south, clearly it is the south. Down there there is more gold, there is more coffee, there is more petroleum. Why is the
south poorer? Why are the people south of the border so much poorer?

Take any job in society that you like, from brain surgeon to street sweeper. That job pays more north of the border than south. Now this relates directly to what happens in New York. And I will tie this up. But if we ask ourselves which job pays more, the north always.

So in addition to the flow of humanity, to the broken, battered people that have come here that are here looking for nothing more than a little dignity and a little work, we have Venezuelan oil, Chilean copper, Dominican gold, Salvadorean coffee that comes here, and the price that this country pays for that wealth that comes here is much less than it's worth. So when you import this much wealth, you export poverty. When you export poverty, the ultimate result is that those people from whose country that wealth has come here, will come after it.

Now, it happened yesterday early on in these proceedings when a young woman testified here and she was asked by a member of the Commission: Would you have us disband the
Immigration Service, abolish all immigration laws and allow anyone who wants to come to this country? She very unfortunately responded yes.

I don't feel that we can afford for even five seconds to advocate the abolition of immigration laws or the Immigration Service, but if we are going to talk about immigration reform, let's talk about reforming immigration. Let's put it in context.

Let's understand that immigration is not a cause but that it is an effect, and that if this country wishes for fewer people to want to come here so badly, that they have to sneak across the U.S./Mexican border under cover of darkness; that it might begin by making a few steps, humble steps, simple steps, let's say, to import less wealth, to export less military aid to dictatorial human right-violating governments, to allow self-determination to occur on a greater scale in foreign countries, and then people might not have to come here in the numbers that they do.

I think it is a very simple formula. The IRCA, in stark contrast to all of
these considerations, has two basic provisions: An amnesty, which is now over, which was nothing more or less than a drop of honey on a poison pill. It, in essence said, if you are undocumented and you entered this country before January 1982, and you can document, even though you are undocumented, your presence in this country since then, then you can stay. Now, that was the easy part.

The hard part is the criminalization of employment in this country which affects us all. When I started as an M-1 manager in the Department of Consumer Affairs I had to prove to this city that I am legal, even though I am an attorney admitted to practice in the courts of the state of New York. I am outraged frankly. I am outraged that I had to prove that I am in countries legally. So when we talk about immigration reform I think we have to acknowledge that we are nowhere near it and the debate that we have been urging and carrying forward has had that this law is not immigration reform; this law is an admission of failure by the Federal Government that it has not in any way succeeded
in addressing the problem of undocumented
migration in its entirety. Therefore, we pass a
law that makes it so impossible for undocumented,
the poor people they are, to survive in our
society that is correct we make it necessary for
them to deport themselves because our government
can't deport them, and that's an outrage.

Striking a more tranquil tone, we
want to emphasize that the law that's presently
pending before the City Council is a very
positive one.

Our major concern is as to its
enforceability. We welcome the fact that the
Human Rights Commission is willing to make
"alienage" or immigration status a protected
status under our human rights laws. I think it
is very necessary in view of the kind of rampant
prejudice that this law has unleashed. But
enforceability is something that we urge be given
some attention and that we take measures to make
sure that it will be enforced and that people
will devote time and energy to enforcing it. And
how it will be enforced.

We have some very complicated issues
here. If it is legal to discriminate based on
certain immigration statuses, we are going to
find ourselves in some difficulty in enforcing
discrimination based on that.

    I studied labor law when I was in
law school, and I will finish up shortly, and I
was dumbfounded by the immense complexity of the
term unfair labor practice and how many myriad
different forms it could take. When I saw
immigration-related unfair labor practice, I said
that's it, we are in orbit. There is no way we
are going to pin this one down.

    So in view, I think, and I want to
urge this, of the earth-shattering forces that
have created this crisis, that have brought so
many millions to our city, so great in fact that
they make even a pervasive, abusive suffocating
law like IRCA look small, a law such as the one
that is presently pending before the City Council
looks even smaller, less significant. Therefore,
I think it is fair to say that this law is
modest, it is humane, it is intelligent, it is
the very least that our municipality can do to do
justice for our people in this city.
Thank you.

MR. LAU-KEE: I have some questions.

Since obviously you have given some thought to the proposed legislation which would include "alienage" as a protected class under the Administrative Code and obviously since it will require enforcement on many different levels, with you are own agency how do you see it being enforced?

MR. AZAR: In the consumer affairs, if you consume, we protect you.

MR. LAU-KEE: Under consumer affairs do bank mortgages fall under your jurisdiction?

MR. AZAR: No. And we have argued strongly before the office of the mayor, were we made it unambiguously clear if in this country it has heretofore not in any way been relevant, your immigration status, provided that you meet all of the other bank requirements for a mortgage, the banks cannot now decide, well, alienage is now suddenly going to be terribly relevant before we give you a mortgage. No. If European magnates can come here and not have any right other than a
tourist visa to be in this country and get a mortgage, then so can any other immigrant that meets the other requirements of the bank. It is not same. It is not rational. It may be arguably relevant but heretofore if banks have not required proof of alienage they can't now begin to do it. It doesn't make economic sense nor banking sense.

MR. LAU-KEE: I think there are probably differing views on it and that's why we are so concerned with it. Let's stick to your own agency. Do you do licensing?

MR. AZAR: Yes. We license many different things.

MR. LAU-KEE: Do you find that, number one, "alienage" enters into that, and number two, documented versus undocumented aliens.

MR. AZAR: We are in the process of looking very closely at everything because in the whole IRCA hoopla that developed some criteria worked into our licensing requirements that, in essence, required people to prove either citizenship or residency, legal residency in this
country and that's not logical, not legal in my opinion, to require only those two groups to get licenses. So we are in the process of reevaluating all of that.

You look at that very simple IRCA law, it says you can't work -- if you work and you are not documented, your employer could be fined or imprisoned after awhile, and we give you this you lovely amnesty. That's all it says.

You can get all of the IRCA law in under ten 8-1/2 x 11 pages. That's not a trumpet call to shut the doors on immigrants, on foreigners which is the effect it is having. Very unfortunate.

MR. LAU-KEE: Do you have any view as to whether on the proposed legislation -- I assume what you are saying is that undocumented -- there should be no distinction between documented and undocumented persons.

MR. AZAR: Well, I am a public servant. I am bound by Federal law. Federal law says we must discriminate against undocumented in certain situations. I am saying --

MR. LAU-KEE: In every other situation?
MR. AZAR: In every other situation if it is irrelevant, we cannot allow people to make inquiries on it.

MR. LAU-KEE: That's a loaded exception you carved out there.

MR. AZAR: Before the IRCA was passed, when I was working out in Long Island we went to the Suffolk County legislature and we testified before the Human Rights Committee and we brought many of these refugees who are here today from El Salvador, brought out their stories and told them in Washington they passed these barbarous antiimmigrant laws. Go to Bay Shore, Brentwood and watch your cities rotting from the inside out because of these laws.

So the Suffolk County legislature passed a law that said that unless Federal or State or local law requires you to inquire into the immigration status of anybody in this county that comes asking you for our services, you cannot ask.

Now that in the end turned out to be more symbolic than anything but it did strike a very salutary note. It told people don't appoint
yourself immigration deputies. They have got quite enough to do the job themselves. Think of the common good, think of your fellow citizen. I don't think that's such a bad note for our municipality to strike. In essence, we have ghettos, we have suffering, we have people living in basements, we have single mothers who suffer sexual harassment from their landlords because of their immigration status. There is nothing wrong with our municipality. At the very least every city agency will not inquire into immigration status unless you have to by law. Nothing wrong with it. And we are not violating any laws.

MR. LAU-KEE: Thank you very much.

At this time we are going to take a five-minute break.

(There was a short recess.)

DR. BRANDON: We are now ready to resume this hearing with the Chinese American Planning Council represented by Mr. David Chen.

MR. CHEN: Good evening. My name is David Chen, Deputy Executive Director of the Chinese-American Planning Council.

The Chinese-American Planning
Council is one of the largest Asian owned and run
central services agency in the country. Through
our extensive services in a network of over 40
components in the three boroughs of Manhattan,
Queens and Brooklyn we are in daily contact with
over 6000 Asians and recent immigrants.

Since the introduction of the
Simpson-Massoli Bill in the early 1980s, CPC has
been in constant monitoring of the progress of
this double-edged immigration reform effort with
a great deal of mixed emotions.

We have always been in support of
the amnesty provisions which we see as offering
relief to the undocumented, and we have always
opposed the employer sanction provisions which we
see as repressive, discriminatory and with
far-reaching implications and run-away adverse
effects for the minorities.

With almost 25 years of solid track
record in the Chinese community, our multi-
service centers are magnets to those who need
help but couldn't find them elsewhere. In
recognition of the trust that we have earned
through our previous work in the community, we
have applied and were granted our QDE status to facilitate outreach to the Chinese community. Charging no fee, we have responded to over 2,000 inquiries, prescreened and counseled over 1500 cases, and successfully handled over 300 approved cases. Inundated with inquiries and eager requests for ESL training, immediately after the first phase of legalization, we are now running several preparatory classes for the second phase.

It is from this perspective and background that I will focus my testimony upon. I do not have an accurate quantitative count on the number of complaints/grievances that our network receives, but I will try to categorize what we have heard and received in four general areas:

1. indiscriminate/exhaustive checking of documents whenever applicants are "foreign-looking." Examples include third generation Chinese-Americans being asked for their work authorization/birth certificate, et cetera.

2. discriminatory/fraudulent surcharges on applicants to housing (rental and
purchases) i.e., nonrefundable deposits. Only for those who are not citizens.

3, practice of not hiring people with only "temporary resident" status. Employers who pay by cash are reluctant to hire them. Do not want to provide documents that may jeopardize their own tax situation. Some who have their status adjusted are being laid off.

4, continued abuses of temporary residents who fear noncooperation from their employees during the second phase legalization process.

These do not include many more cases that are not only not reported, there are cases when a person can only wonder if he or she has been discriminated because of his or her foreign look, but can never document or pinpoint. They may not even be aware of it! In fact, discrimination has been so pervasive all along both before and after employer sanction by the undocumented that it makes it all the more difficult to tell the difference.

My recommendations against discrimination in general, but employer sanction
in particular, are:

1. labor protections be strengthened for all workers, including the unauthorized workers. Against poor working conditions, guaranteeing minimum wage, participation in unions, et cetera.

2. effective enforcement of civil rights and labor laws with adequate resources and real teeth.

3. increased public education aimed at informing all workers, with special emphasis on affected minority workers about their workplace rights.

4. lobby with INS and the Congress to provide more clarity to employers on what are "required/acceptable" work documents. Beyond I-9 as a requirement. A campaign to increase familiarity and awareness.

Fighting discrimination is a thankless job. One can see it, smell it, and sometimes actually feel it. Fighting it means one must pin the perpetrator down. Catch them with their pants down, expose them, and hit them hard to punish them with heavy penalties to
discourage other copycats.

Fact-finding can only be the first step. Resources must follow. Unconditional enforcement is a must. All these need resolve and the political will of the local and Federal Government.

I commend you for your effort.

Together, with you all initiating changes from the top, and us coordinating from the grass roots up, enforcement through mutual support is possible. My best wishes.

DR. BRANDON: Thank you very much.

On your last comment there, the Commission has initiated recently joint efforts wherever possible with state, federal and local civil rights enforcement agencies to see how we can work together in many areas in the enforcement of the civil rights of the citizens of New York. That's in reference to your last comment.

MR. LAU-KEE: One of the areas I know which is always a concern, especially among a lot of the Asian Americans in the City of New York, is housing.

Have you become aware of using the
undocumented status of a person against them in housing?

MR. CHEN: Like I mentioned in my testimony about asking for special deposit and the fact that maybe by being not a citizen they are not certain whether you are people with certain stability, or whatever, that, in essence, they take advantage of them and ask for additional deposits which are often not refundable. In that direct sense that is what has been reported.

MR. LAU-KEE: How does that work, they ask for more money?

MR. CHEN: Obviously they are Chinese and they are asked whether they are citizens. If they say not, they want to see documentation. That's the category that they want the deposit from.

MR. LAU-KEE: What you are saying, in other words, is they ask for more money as a deposit and very often the money doesn't get refunded.

MR. CHEN: Yes.

MR. LAU-KEE: Have you come across
any instances in which people have had difficulty obtaining, say, bank accounts or other services because they don't have documentation?

MR. CHEN: Not of that nature. Basically, I believe if you are going to put money, somehow you will get it. As long as you have some Social Security number, some sort of number.

MR. LAU-KEE: Just to follow up, do you have any feeling as to the sort of effect that the IRCA provisions are having in the employment place? Is there any confusion about the requirements of the law? Is there any exploitation of that that's increased since the employer sanctions have gone into effect?

MR. CHEN: Definitely. There is a lack of education in the community even on the amnesty issue in terms of what is provided. So employer sanction received much less advertising in terms of promotion in the entire process. So in that sense when legalization was even not promoted that much in the community by the INS, and employer sanction definitely was minimal. The education was absolutely necessary to clarify
in the minds of both the people affected by it as well as the employer who may want to take advantage of exploiting the unclarities.

MS. WILSON: I gather, given the recommendations that you are making, that you are in support of this law that we are looking at tonight. I mean, I know that it shouldn't be either/or, but as a city, how you use your resources and the limit of those is important. I think some of the points you are making particularly with regard to the documentation and having employers be clear, and employees, about what's needed is a big publication effort that needs to be undertaken while we are trying to turn big things around.

Do you see if we passed a law like this prohibiting discrimination based on alien status, that that would be helpful and strongly helpful?

MR. CHEN: I think all provisions that become more inclusive and more specific of the protection you can afford to the people affected, the more the better. Oftentimes sometimes it could be too late, too general and
hard to pin down. Like I mentioned, catch them with their pants down. We have to spell it out and include as many people as possible.

I am not talking about writing an ordinance about five phone books thick, but it has to be as much as possible in the language of it and should be inclusive and provide specificity in preventing the kind of difficulty we experience from the overall civil rights enforcement. Any time you create that thing, you should be learning from past experience that it should be more specific in addressing things, otherwise we will be harmed.

MS. WILSON: So you are cautioning us to do something we really can follow through on.

MR. CHEN: Yes, definitely.

MR. LAU-KEE: Could you just comment on one particular concern I have, which is are the people that you service, your organization services, likely to make complaints in situations where there has been discrimination in that sense, and if so, about how many? If not, what is preventing them from doing it?
MR. CHEN: I don't know if it is a cultural thing or what. A lot of time it takes a lot of trust. They don't come up front about what the problems are. Oftentimes a situation comes up when we are in the process of helping them and then they decide to express their grievance, talk about the problems. Of course we serve recent immigrants as well as Americans of Asian decent. Third generation, second generation are more outspoken and will tell you directly. The more recent immigrant may have cultural baggage and sometimes they don't come up with their feelings. The trust, the sort of ongoing relationship can draw it out, which are the ways we have been getting the information.

MR. LAU-KEE: What about language?

MR. CHEN: Language definitely makes a difference. Most of them that we service are Asians and bilingual. So language is a definite tool to draw people out. If you don't speak the language they won't be comfortable communicating whatever is in their minds or thoughts.

MR. LAU-KEE: Do you have any
specific recommendations or ideas that you can give to this Commission as to how we can participate in that?

MR. CHEN: One of the things the Commission has done in recent months, the visibility in the community, participating events, speaking events. That really helped because the face is important in the community. There are people who are enforcing or working. Even though I must say that maybe resources are not adequate for the Human Rights Commission to really do what it wants to do. But definitely the face, being there, get the people who thought you are not there, and a little more confidence because they have a friend.

On IRCA, on the amnesty part, if they had a face in the community more than they did, there would be two or three times more people who would have applied. There was a missing of the face and the confidence level decreased. It is important for the Commission to be visible in the community and provide the confidence the community is looking for.

DR. BRANDON: Thank you very much.
Next and last witness is Jung Yun Jin, Korean-Americans for Peace and Justice.

MR. JUNG YUN JIN: Good evening. My name is Jung Yun Jin. I represent the Korean-Americans for Peace and Justice.

Before I begin I received this testimony on very short notice, so please bear with me if I make any mistakes here.

I would like to concentrate on one or two areas of the testimony, which is the discrimination and police brutality.

There is no denying the positive impact of immigration in the United States throughout its history. More recently, the growth of Hispanic influence has transformed Miami into the banking capital of Latin America, while on a smaller scale, boosting San Antonio and San Diego into business centers for rapidly industrializing northern Mexico.

Asian immigrants have transformed Los Angeles, San Francisco, Seattle and New York to a cheap labor and hard work town. Despite our integrated and crucial role in the economic society of the United States, we, therefore, as
minority groups, face myriad discrimination and prejudice. We have witnessed several racial police brutality against Asians, the most recently publicized case being Yong Kook Ou, of Elmhurst, Queens, who on September 4th of last year had been beaten up by two police officers after they stopped him for riding a bicycle.

In a personal interview given to us, the victim showed strong evidence of traumatization while recuperating.

Our Korean brothers and sisters have to deal with name callings daily at school, our parents who own small businesses and work 12 to 15 hours a day are targets of prejudice and business boycotts.

Moreover, the Immigration Reform and Control Act of 1986 (IRCA) and its recent implementation of employer sanctions have created more deplorable working conditions and discriminations to Korean immigrant workers as well as to those born here.

For instance, one of our members has been discriminated a few months ago while searching for a job. At first sight she was
viewed as a "foreigner" by the manager who asked her whether she spoke English and had a green card. He was rather interested in her legal status than her ability or skills. Although she was an American citizen, she did not carry with her a certificate. Several days later she discovered that the job had been offered to a Caucasian. These cases are just a few examples of racial discrimination that we face in our daily lives.

We, the Korean-Americans for Peace and Justice, are profoundly concerned with the healthy status of Korean community. We deserve to live and work in dignity. Therefore, we strongly feel that permanent laws protecting immigrants and minority rights are in demand.

I have a few more things to say. What is most frustrating to us is that these unfortunate cases are occurring almost every day, but yet many Koreans, Asians are not able to seek the appropriate kind of help when they are confronted with such situations. So what we ask of you to do is to increase public awareness of minority services, to fully execute
discrimination cases, to recognize discrimination
problems as something tangible. I say tangible
because often certain cases are just forgotten or
dissolved with the passing of time, and I think
that situation should be corrected.

I have here with me several
newspaper articles. What we ask you to do is to
fully execute the publications and minority
help. That's it.

DR. BRANDON: What particular
problems have come to your attention in regards
to housing, banking, insurance that have been
related to national origin or status?

MR. JUNG YUN JIN: In terms of
banking or housing, I haven't run across any of
those cases. I haven't got any information about
that. But what I have is mainly police brutality
and job discrimination.

Just yesterday I came across a case
that a person who came into JFK, was picked out
by the service people there just because he was
Oriental and then he was searched and his
possessions, all the documents and his belongings
were confiscated. Those cases are the ones that
I want to point out.

DR. BRANDON: So you would support an amendment to the Human Rights Law.

MR. JUNG YUN JIN: Yes.

MR. LAU-KEE: Do you have any other instances where you feel that it really was because of this new employer sanctions that people in the community have been erroneously asked for documents or have otherwise suffered the side effects of that legislation?

MR. JUNG YUN JIN: The examples that I gave, those two examples, are the ones that I have right now. What I can do I can provide you with many cases. I just don't have them with me.

MR. LAU-KEE: That would be helpful because the more that we know about, the better we can draw the conclusions.

MS. RUSSO: I wonder if you think that brutality has increased somehow in connection with IRCA, whether you have any reason to think that there is going to be more brutality as a result of this law?

MR. JUNG YUN JIN: Yes, I believe
so. Because as you all know, a lot of small businesses are owned by minority groups more and more. These minority people are working extremely long hours and they are trying to establish themselves a home in this country. I guess it boils down to discrimination basically. Both sides are very frustrated, the police with the minority groups. And police are -- I guess they are kind of upset by the fact that these groups are taking over what used to be owned by other groups that were here before. I believe it is becoming increasing.

DR. BRANDON: Thank you very much.

We have come to the end of these hearings, the first of its kind since the implementation of employee sanctions.

Do not think for one moment that any testimony before this Commission has been insignificant. All persons and organizations that have come before the Commission have helped to provide the Commission and the City with valuable information and documentation on issues of national origin and immigrant discrimination. For these testimonies we thank you.
There is no doubt in our minds that employee sanctions have exacerbated the problem of immigrant discrimination and national origin. The full results of these hearings will be ready as soon as humanly possible. We want you to know that the Human Rights Commission in its reorganization and revitalization will continue to be vigilant. We will not rest until we have effectively dealt with discrimination in all forms in the City of New York.

I want to thank my staff, the General Counsel's office, the Commissioners, Mr. Glen Lau-Kee for presiding at various times during these hearings, our field office staff, and all the members of the City Commission on Human Rights for their participation and for their hard work during these hearings.

This concludes the hearings on national origin and immigrant discrimination.

Thank you and good evening.

(Hearing adjourned at 9 p.m.)
CERTIFICATION

I, RAYMOND DeSIMONE, a Certified Shorthand Reporter and a Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of December, 1988.

[Signature]

RAYMOND DeSIMONE