



# Immigrants' Rights Update

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**Read this issue of IMMIGRANTS' RIGHTS UPDATE online at:**

[www.nilc.org/pubs/iru/iru2008-10-28.htm](http://www.nilc.org/pubs/iru/iru2008-10-28.htm)

### **SPECIAL REPORT: Immigrants and Disaster Assistance**

#### **Addressing the Needs of Immigrants and Limited English Communities in Disaster Planning and Relief**

*Lessons for Government, Disaster Relief Agencies, and Community-Based Organizations*

By [JONATHAN BLAZER](#), Public Benefits Policy Attorney, and

BRETT MURPHY, former Bill Emerson Congressional Hunger Fellow<sup>[1]</sup>

As the United States experiences an elevation in both the incidence and perceived threat of disaster, emergency preparedness has been assigned high priority by all levels of government, as well as by nongovernmental organizations. Potential hazards range from frequent and severe natural disasters to terrorism and public health epidemics. One of the most basic ingredients of effective planning is the development of strategies for maximizing the participation of the entire

populace in preparing for disaster, complying with emergency orders, and engaging in other response efforts when disaster strikes. In the event of a major public health crisis such as a pandemic flu, the country's success in containing harm and saving lives requires that all members of the community understand how to protect themselves, seek timely help, and avoid spreading disease.

Although there is growing recognition that the effectiveness of disaster planning and relief depends on engaging and addressing the concerns of all segments of the population, the particular concerns of immigrants and other individuals with limited English proficiency are too often overlooked, disregarded, or even at times exploited. [CONTINUE READING >](#)  
[\[PDF VERSION OF ARTICLE\]](#)

## NEW ON NILC's WEBSITE (since August 21, 2008)

PAGE: [Supplemental Security Income \(SSI\)](#)

### **SSI Extension for Refugees and Other Humanitarian Immigrants Enacted**

Refugees and other humanitarian immigrants whose SSI benefits were available only during a seven-year time period may receive SSI for at least two additional years. Under a new law effective Oct. 1, 2008, humanitarian immigrants whose SSI was cut off or who were denied SSI due to the expiration of this time period should contact the Social Security Administration immediately to apply for the extension. The new law provides a third year of benefits for humanitarian immigrants who have a naturalization application pending at the end of the two-year extension. [CONTINUE READING >](#)

PAGE: [Immigrant Student Adjustment/DREAM Act](#)

### ***Martinez v. Regents of the University of California:* California Court Ruling on In-State Tuition Is Not the Last Word**

On Monday, September 15, a California Court of Appeal panel overturned the superior court's decision dismissing a challenge to AB 540, California's in-state tuition law. *Martinez v. Regents of the University of California*, No. C054124 (CA3 Sept. 15, 2008). The court of appeal's ruling, if allowed to stand, would return the case to the superior court for trial. The court did not enjoin or block AB 540. *The law remains in effect.* Similar laws in other states were not affected by the ruling. The decision will likely be appealed, and any final decision is likely to come from the California Supreme Court. [CONTINUE READING >](#)

PAGE: [Social Security Administration \(SSA\)-related Information](#)

### **Civil Rights Coalition Charges That Finalized "No-Match" Rule Will Hurt American Workers and the U.S. Economy**

- ¶ WASHINGTON (Oct. 23, 2008) – The "no-match" rule reissued by the Department of Homeland Security (DHS) today will put the livelihoods of authorized workers -- including U.S. citizens -- at risk, have a devastating impact on the already suffering U.S. economy and lead to widespread discrimination in the workforce, according to a coalition of civil rights organizations. [CONTINUE READING >](#)
- ¶ According to the text of the rule issued Oct. 23: "[T]his final rule republishes the text of the August 2007 Final Rule without substantive change" (p. 7). Implementation of the Aug. 2007 rule was preliminarily enjoined by a federal district court on Oct. 10, 2007. [The injunction remains in effect](#) pending further court proceedings.

### **Company Wrong in Restricting Employees' Speech Regarding "No-Match" Letters**

MILWAUKEE (Oct. 2, 2008) -- In an important ruling, Judge James Kennedy of the National Labor Relations Board has struck down a directive of Ashley Furniture Industries of Arcadia, Wisconsin, that workers not discuss among themselves or with outside groups the company's

procedures -- including threats that workers would be fired -- with respect to Social Security Administration "no-match" letters received by the company. The decision comes almost a year after the company backed away from the dismissals. [CONTINUE READING >](#)

**PAGE:** [Employment Eligibility Verification and Antidiscrimination Protections](#)

### Temporary Protected Status & Proving Work Authorization

#### ¶ EADs of Salvadoran, Honduran, and Nicaraguan TPS Recipients Not Automatically Extended

In September 2008, U.S. Citizenship and Immigration Services announced 18-month extensions of temporary protected status (TPS) for nationals and former residents of [El Salvador](#), [Honduras](#), and [Nicaragua](#). Individuals from these countries who currently have TPS must reregister for the status within the reregistration period for each country. Unlike in times past, *reregistrants' employment authorization documents WILL NOT BE AUTOMATICALLY EXTENDED*. (Click on each country's name, above, to access USCIS question-and-answer documents containing more specific information.)

#### ¶ EADs of Sudanese TPS Recipients Automatically Extended

In August 2008, USCIS announced an 18-month extension of TPS for nationals and former residents of Sudan. The deadline to reregister for individuals from Sudan who previously had TPS was Oct. 14, 2008. *Sudanese reregistrants' employment authorization documents (EADs) ARE AUTOMATICALLY EXTENDED THROUGH MAY 2, 2009*. (Click [here](#) to access a USCIS question-and-answer document containing more specific information. The toolkit's "[Sample Letter to Employer](#)" is intended to help TPS beneficiaries with automatic EAD extensions prove that they remain employment-authorized. To access the NILC toolkit, click [here](#).)

### New Resources

Among the newest additions:

- ¶ [The History of Basic Pilot/E-Verify](#) (posted 10/21/08)
- ¶ [Facts About Basic Pilot/E-Verify](#) (posted 10/20/08)
- ¶ [Links to testimony](#) provided at the May 6, 2008, "**Hearing on Employment Eligibility Verification Systems and the Potential Impacts on SSA's Ability to Serve Retirees, People with Disabilities, and Workers**," Subcommittee on Social Security, Committee on Ways and Means, U.S. House of Representatives.

**PAGE:** [Immigrants & Employment >](#)  
[State & Local: Legislation, Litigation, and Resources](#)

### Lawsuit Challenging Provisions of the "Legal Arizona Workers Act"

**Arizona Contractors Association, Inc., et al. v. Criss Candelaria, et al.**

- ¶ [9th Circuit Court of Appeals ruling affirming federal district court decision](#):  
"We uphold the statute in all respects against this facial challenge, but . . . [i]f and when the statute is enforced, and the factual background is developed, other challenges to [it] as applied in any particular instance or manner will not be controlled by our decision." (9/17/08)
- ¶ [Plaintiffs'/Appellants' Petition \[to 9th Circuit\] for Rehearing and Rehearing En Banc](#) (submitted 10/1/08)

**PAGE:** [Update Page: Guide to Immigrant Eligibility for Federal Programs](#)

### Updates to "State-Funded Programs" Tables

- ¶ [Guide](#) pp. 102–03 | [TABLE 8: State-Funded TANF Replacement Programs](#)  
(Entry for Rhode Island deleted 10/08. Update posted 10/15/08.)
- ¶ [Guide](#) pp. 122–23 | [TABLE 10: State-Funded Medical Assistance Programs](#)

(Entries for New Mexico & Rhode Island updated 9/08. Update posted 10/15/08.)

- ¶ [Guide](#) pp. 126–27 | [TABLE 11: State-Funded SCHIP Programs](#)  
(Entry for Rhode Island deleted 9/08. Update posted 10/15/08.)

### **Revised Overviews of Immigrant Eligibility for Federal Programs**

- ¶ [Guide](#) pp. 17–20 | [TABLE 1: Overview of Immigrant Eligibility for Federal Programs](#)  
(Update posted 10/2/08.)
- ¶ [Overview of Immigrant Eligibility for Federal Programs](#) (updated article)  
(Update can be accessed from “[Immigrants & Public Benefits](#)” page. Posted 10/2/08.)

**PAGE:** [Community Education Materials](#)

### **Major Benefit Programs Available to Immigrants in California**

[Updated table](#) posted 10/2/08.

### **Know Your Rights When Encountering Law Enforcement**

[Booklet](#) published by the American Civil Liberties Union describes a person’s rights when stopped, questioned, arrested, or searched in the U.S. For citizens and noncitizens. Contains extra information regarding noncitizens’ rights and about peoples’ rights at airports and other points of entry into the U.S. Available in English as well as in Arabic, Farsi, French, Spanish, and Urdu. (Link posted 9/10/08.)

**PAGE:** [Immigrants and Driver’s Licenses](#)

### **Three Years Later: A Primer on REAL ID**

[This primer](#), prepared by the Center for Democracy and Technology, is presented in three parts: (1) The REAL ID Act Repealed the Promising Negotiated Rulemaking Process; (2) REAL ID Poses Serious Privacy and Security Risks; and (3) Congress Must Act to Address the Problems With REAL ID. (Link posted 9/10/08).

### **Overview of States’ Driver’s License Requirements**

[Updated table](#) posted 10/16/08.

**PAGE:** [Internship Opportunities at NILC](#)

### **Law Student Internships Available**

NILC provides a rich environment for law student interns to learn about the immigrant rights movement and to work alongside attorneys and policy analysts involved in national policy analysis, impact litigation, and lobbying. Applications will be accepted from law students interested in working from either our Los Angeles or Washington, DC, offices. More information about NILC and how to apply is available [here](#).

**PAGE:** [Links \(to Federal & State Agency Websites; Advocacy & Research\)](#)

### **Pro-Immigrant Media Campaigns**

To counter a trend within the media in which distorted and inflammatory information about immigrants and immigration is presented as fact, some of the local, state, and national organizations that NILC works with have increased their efforts to hold the media more accountable and are coordinating these efforts to correct the record and thereby help change the tone and content of the debate. We strongly support such projects, and provide [links to some of them](#) on our website.

**NILC ELSEWHERE ON THE WEB**

### **Book of Photo-Essays Highlights 18 “Crucial Yet Curable Issues”**

The print and [online editions](#) of the recently published ***What Matters: The World's Preeminent Photojournalists and Thinkers Depict Essential Issues of Our Time*** (Sterling Hardcover) call attention to NILC, under the book's “What You Can Do” section, as an organization that's working to protect immigrants' rights and deserving of readers' financial support.

The 336-page book, edited by David Elliot Cohen, the author/editor of the *A Day in the Life* and *America 24/7* series, presents 18 photo-essays by photo-journalists such as Sebastiao Salgado, James Nachtwey, and Anthony Suau. The essays include commentary from thinkers such as Jeffrey Sachs, Samantha Power, Bill McKibben -- and, in the sections that deal with human migration (“[The Greatest Migration](#)”) and U.S. immigration policy (“[The Fence](#)”), Paul Knox (from Virginia Tech) and Douglas Massey (from Princeton University). The book's website describes the volume as an “illustrated letter to the powers-that-be, graphically setting forth 18 crucial yet curable issues that demand our attention now.”

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