

2008-2009 Immigration Update 5

February 24, 2009

Colorado Legislature Considers In-State Tuition for Unauthorized Migrants

Senate Bill 170, sponsored by Senator Chris Romer (D-Denver), would allow undocumented students to pay in-state tuition at Colorado's public colleges and universities. To qualify for the in-state rate, students would have to have attended a Colorado high school for three years, have graduated from a Colorado high school or have a GED, and enroll in a Colorado college or university within five years of graduating from high school.

In introducing the bill, Romer said "Students with a college education are more productive and more likely to be civically engaged. Passing this legislation will help keep us economically competitive with our neighboring states and give these kids the chance to give back to the Colorado communities where they have grown up." The University of Northern Colorado Board of Trustees and the Boulder and Denver school districts have announced support for the bill.

The bill also faces opposition. Senator Shawn Mitchell (R-Broomfield) cited the possible conflict with federal law, saying that "you're promising yourself a court headache and extensive, expensive litigation." His prediction may be accurate, as Senator Dave Schultheis (R-Colorado Springs) has already indicated that, if the bill passes, "I will seek students that will sue."

Students can track the bill's progress by finding the bill number at <http://www.leg.state.co.us/Clics/CLICS2009A/csl.nsf/BillFoldersSenate?openFrameset>.

Weld County Using Tax Documents to Identify Unauthorized Migrants

According to a February report on KCFR's *Colorado Matters*, Weld County has used tax records to identify up to 1,300 unauthorized migrants in the county, some using fraudulent identifications in filing tax returns. To date, about 40 arrests have been made, all on charges related to identity theft or criminal impersonation.

The Weld County investigation was sparked by a call from a man in Texas, who had learned that someone in Colorado was using his Social Security Number. When police found the man using that number, they learned that he had received large tax refunds, which focused their attention on tax preparer Amalia Cerrillo, who prepares tax returns for many immigrants, including some who are in the country illegally. Immigrants without Social Security Numbers (including legal immigrants with work visas) can file tax returns if they have an Individual Taxpayer Identification Number. Many unauthorized migrants use fake/stolen SSNs on their work documents but then file tax returns using their ITINs. The Internal Revenue Service does not check immigration status and is prohibited by law from reporting information to Immigration and Customs Enforcement.

The reasons why unauthorized migrants file taxes is disputed. Some, like Weld County DA Ken Buck, say they do so in order to get refunds that they can qualify for through various tax

credits. Others say it's because these migrants are holding out hope for legalization and believe they might be required to show they paid taxes if immigration reform occurs.

The Weld County Sheriff's Department executed a search warrant on Ms. Cerrillo's office, seizing tax records of approximately 4,900 clients. In late January, the American Civil Liberties Union of Colorado filed a class action lawsuit in district court, claiming that search was illegal, violating the privacy of Ms. Cerrillo's clients. Ms. Cerrillo is not accused of any crimes. Nor are many of her clients whose tax records were nonetheless seized and examined by Weld County officials. ACLU legal director Mark Silverstein likened the search of all of Ms. Cerrillo's records to "a house-by-house search of innocent homeowners in order to find a suspect believed to be somewhere in the neighborhood." The case, which would provide an interesting Fourth Amendment case study for government students, is pending.

Listen to a Colorado Matters story on the Weld County investigation and the ACLU challenge at http://www.kcfr.org/index.php?option=com_content&task=view&id=94.

Glenwood Springs Deportation Case Draw Attention

The case of a 21-year-old unauthorized migrant in Glenwood Springs has been drawing considerable media attention of late. José Mendoza Turbin, who hails from El Salvador, entered the United States illegally in 2004. Since then, he has been seeking asylum, claiming that his life would be in danger from violent street gangs if he returned to his Central American homeland. He has been denied asylum and is currently under an order of deportation and was to be deported last week. Authorities granted him a reprieve.

Mendoza Turbin's case is receiving so much attention because of the widespread community support that has developed in Glenwood Springs. Teachers there describe a young man who worked incredibly hard to learn English and graduate from high school. Others in the community mention his volunteer work and his current enrollment in a community college. His dream of becoming a nurse is now part of his attorney's latest effort to gain legal status for Mr. Mendoza Turbin on the grounds that he offers a "significant public benefit" to the community.

This case could provide a hook for engaging students in looking at the criteria for granting asylee status. For more information on Mendoza Turbin's case, see the *Denver Post* (http://www.denverpost.com/extras/ci_11735008).

Iraqi Refugees: 2 Million within Iraq, 2 Million outside the Country

Since the war in Iraq began, approximately one-sixth of the country's pre-war population—4 million people—have left their homes. Two million have left the country entirely. According to the United Nations High Commissioner for Refugees, the largest numbers are in Syria (1.2 million) and Jordan (.5 million), with others in Iran, Lebanon, Egypt, and Turkey. While Syria and Jordan have been providing free emergency health care and education for Iraqi children in their nations, both nations' budgets are feeling the strain. Because neither country is a party to U.N.'s 1951 Refugee Convention, refugees in Syria and Jordan do not have legal rights guaranteed by that treaty and live in fear of deportation.

In 2008, 13,000 Iraqis entered the United States as refugees; 17,000 are expected to be admitted in 2009. Some observers have criticized the United States, since a number of refugees were targeted by militias in Iraq because they worked in support of the American war effort.

For more information:

<http://www.parade.com/export/sites/default/news/2009/02/where-can-iraqis-go.html>.

Army to Test New Policy on Immigrants with Temporary Visas

In April 2008, more than 250 members of the military took the oath of allegiance in a naturalization ceremony held in Iraq. Military service has long been a way for immigrants with green cards to speed up the naturalization process. In a pilot program being tested by the Army in 2009, the same opportunity will be offered to temporary immigrants—those with student or temporary work visas. To be eligible, a temporary immigrant would have to have lived in the United States for at least two years and pass a detailed background check by the Department of Homeland Security.

In its first year, the Army will recruit up to 1,000 temporary immigrants, who will become eligible for citizenship within six months. Recruiters' focus will be on medical personnel and people with native knowledge of strategic languages and cultures; among the 35 languages so classified are Arabic, Chinese, Hindi, Igbo, Kurdish, Russian, and Tamil (Spanish is not included). Officials hope the program will help the military meet critical troop shortages. Eventually, up to 14,000 personnel could be recruited annually across the various services.

An article on the program appeared in *The New York Times* on February 15 (http://www.nytimes.com/2009/02/15/us/15immig.html?_r=1&sq=U.S.%20Military%20Will%20Offer%20Path%20to%20Citizenship&st=cse&scp=1&pagewanted=print). The *Denver Post* endorsed the program in an editorial reprinted from the Boston Globe on February 20 (http://www.boston.com/bostonglobe/editorial_opinion/editorials/articles/2009/02/19/faster_citizenship_in_uniform/).

Mexican Data Confirms that Immigration Is Down

According to the Mexican government, net migration—the difference between the number of Mexicans leaving the country and those returning from abroad—dropped by more than 50 percent in late 2008, compared to the same time period in 2007. Officials attributed the drop to the global economic crisis and the resulting decreased “pull” from countries such as the United States, as well as stepped-up enforcement in the United States. The data did not show a significant increase in the number of people returning to Mexico: “There is a declining tendency of people going abroad, but we have not detected, up to now, any increase in people returning to the country,” according to Eduardo Sojo, who is president of the National Statistics, Geography, and Information Institute in Mexico.

Sojo also noted that fewer people are planning to emigrate in the future and that the number of Mexican households receiving remittances—money sent home from Mexicans working in other countries fell from 1.41 million in 2005 to 1.16 million in 2008. For more information, see the AP story at <http://www.kolotv.com/internationalnews/headlines/39883052.html>.

Immigration at the Movies

The recent movie awards shows have brought attention to a number of recent films with immigration-related content. Here, for your viewing pleasure, is a partial list:

- *The Betrayal (Nerakhoon)*, nominated for an Oscar for best documentary, tells the story of one Laotian family's 23-year journey from their homeland to New York City. Like many Laotians, the father of this family worked with the CIA during the Vietnam War, putting the family in mortal danger in postwar Southeast Asia. The family's life in the United States is a disorienting and desperate struggle, yet the film has been described as "lyrical."
- *Chop Shop*. This film tells the story of Alejandro, a street orphan who lives in an auto body shop in Queens. When his older sister arrives in the United States, he struggles to make life better for them both. Nominated for Independent Spirit directing and cinematography awards.
- *The Class*. Colorado Public Radio's Howie Movshovitz called this best foreign film nominee one of the best films ever about education. It is shot almost entirely within a French middle school classroom filled with diverse students from a tough neighborhood. Much of the film revolves around the conflict between the teacher's efforts to teach the "canon" of French education and the students' view that that knowledge is irrelevant. Rated PG-13.
- *Frozen River*. Single mother Ray (played by Oscar nominee and Independent Spirit winner Melissa Leo) turns to smuggling unauthorized Chinese and Pakistani immigrants across the frozen St. Lawrence River to make ends meet. Trapped on the river between police in Quebec and New York State troopers, Ray and her "business partner" Lila escape to the Mohawk reservation, where they must face the consequences of their illegal activities. Sundance Grand Prize winner. Rated R.
- *Gran Torino*. Clint Eastwood (nominated for a Critics Choice award) plays a racist veteran who is drawn into the lives of his neighbors—Hmong immigrants—after a Hmong teenager tries to steal the codger's beloved car. Eastwood's character learns what he has in common with his once-hated neighbors while the viewer learns about the history of the Hmong. Rated R.
- *New Boy*. An African immigrant starts his first day of school in Ireland in this 11-minute film. Nominated for a best short Oscar.
- *Sangre de mi Sangre*. Nominated for an Independent Spirit first film award, *Sangre de mi Sangre* is the story of a Mexican boy who is smuggled into New York. Trying to find his father, the boy becomes the victim of identity theft. Sundance Grand Prize Winner in 2007.
- *Sleep Dealer*. *Sleep Dealer* is a futuristic take on immigration and the global economy, featuring aquaterrorists, international borders marked by huge walls, and a computer network that can download visuals directly from a person's brain. Nominated for best first feature at the Independent Spirit awards (yet apparently not yet released). Rated PG-13.
- *Take Out* and *Prince of Broadway*, are both nominated for the John Cassavettes Award (for films made for less than \$500,000), made by Sean Baker (and varied collaborators), and focused on the lives of immigrants—particularly unauthorized immigrants—in New York City. *Take Out* deals with a Chinese immigrant trying to pay off the men who smuggled him into the country—on a delivery boy's tips. *Prince of Broadway* tells the story of a Ghanaian immigrant who works for a Lebanese-American on the seedy side of the garment trade.
- *The Visitor*. Oscar-nominated Richard Jenkins plays widowed economics professor Walter Vale, who arrives at his NYC apartment for the first time in months to find Syrian immigrant Kael and his Senegalese girlfriend living there. The two unauthorized migrants believed they were renting the apartment legitimately, and Walter sympathetically agrees to let them stay—at first for a few days and then indefinitely. When Kael is arrested and detained, the film provides a moving depiction of the confusion, fear, and rage the characters feel in the face of an uncertain future. Director Tom McCarthy won the Independent Spirit Award for Best Director. Rated PG-13.