

A BLUEPRINT —FOR THE— NATION

BUILDING IMMIGRANT
POWER FROM
CALIFORNIA TO NEW YORK



INTRODUCTION

The last four years have challenged immigrant communities to build their resiliency and advance despite sustained and consistent attacks on communities' dignity and humanity. One important lesson we have learned as advocates, organizers and litigators is that even with a change in the White House, immigrant communities cannot count on the federal government to ensure all of the conditions necessary for a just future. In ensuring this future, states play a critical role. Our organizations, the New York Immigration Coalition (NYIC) and the California Immigrant Policy Center (CIPC), long-time legislative, advocacy and organizing leaders in our states, believe in the power of local and state campaigns. States have the opportunity to change the trajectory of history for a stronger, more inclusive future for all.

In doing so, states can recognize the profound ways immigrants' lives are impacted by the decisions made on a local and state level. Nowhere has this been more evident than in California and New York's seismic policy shifts to protect and support immigrant communities. Immigrants in California and New York account for one-third of the country's immigrants and progress in our two states has the potential to dramatically shift the future of the country.¹

This Blueprint highlights what our states have accomplished to date, and provides shared priorities. The goal is to celebrate what our states have done and to chart a different way forward—one that centers the humanity and dignity of immigrants. We offer this Blueprint to serve as a call to action to ask states, allies and funders to work with us and our partners to invest in organizing, building power and leadership to ensure policy wins in every state across the country, not just California and New York.

This Blueprint includes a vision along with concrete policy priorities for five issue areas in New York and California that are critical to immigrant communities: Creating Healthy Communities; Building Political Power and Guaranteed Civil Rights; Ending State Support for Detention, Deportation and Mass Incarceration; Ensuring Economic Justice and Good Jobs; and Quality Education.

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Immigrants in California and New York account for one-third of the country's immigrants and progress in our two states has the potential to dramatically shift the future of the country.



The urgency to create state-based, long-term policy solutions for immigrant communities has been exacerbated by the current Coronavirus (COVID-19) pandemic, and the federal government's shameful exclusion of many immigrant families in any of the federal COVID-19 relief efforts. In almost every way, immigrants and their families have been some of the hardest hit by the pandemic and the ensuing response. Immigrants risk heightened exposure to COVID-19 as essential workers, and when sick, suffer higher mortality rates. Immigrants are over-represented in the industries hardest hit by the economic downturn, and were therefore more likely to be left unemployed than the native born workforce.² Immigrant women experienced higher wage shocks, and unemployment while bearing the additional responsibility of caring for their children and families. The pandemic sharpened the already deep cleavages around race, class and, less mentioned, immigration status resulting in higher unemployment, digital inaccess, income loss and deep economic instability, evictions and poverty.

As our cities, states and country begin the years-long process to rebuild our communities and systems in the wake of the economic and social devastation wrought by COVID-19, we have a historic opportunity to center equity in our recovery efforts and address the structural inequities that have been laid bare.

In the wake of the Black-led uprisings in response to systemic racism and brutality, our organizations have recommitted ourselves to the broader fight for racial justice and equity and the movement against police brutality and over-policing and ensuring fairness in the justice system. Enforcement systems against Black, indigenous and communities of color, including over-militarized policing practices and ICE raids, detention facilities, prisons and sanctioned racial profiling—are built on the same foundation of brutality, racism and oppression rather than the ethos of safety, community, and mutual care that all communities need.

While the pandemic has taught us just how interdependent we are to ensure our collective well-being, the national uprising for Black lives reminds us that our liberation is also bound to one another. Both the pandemic and the nation-wide uprisings have demonstrated that neither political parties nor the federal government can fundamentally shape nor determine the resilience of immigrant or Black communities. Enacting the sensible policy recommendations included in this Blueprint in our two states will have a profound impact on the lives of immigrant families, on our states' economic strength and vibrancy, and will serve as a roadmap for other states. We offer this Blueprint as the first step on our shared journey.

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Key Stats for California³

OVER **2M**
RESIDENTS IN
CALIFORNIA ARE
UNDOCUMENTED
IMMIGRANTS

27%
OF **CALIFORNIA'S**
POPULATION IS
FOREIGN BORN

Nearly **880,000** immigrant
business owners accounted for
38.2% of all **self-employed** California
residents in 2015 and **generated**
\$21.8 billion in **business income**



From 2010 to 2014,
1 in 5 children
in the state was a U.S.
citizen **living** with at least
one undocumented
family member
(2.4 million children in total)

THE TOP COUNTRIES OF ORIGIN FOR IMMIGRANTS

NOT TO SCALE

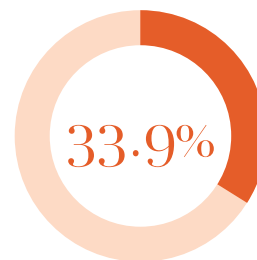
4.5%
INDIA

5.9%
CHINA

5.9%
VIETNAM

8% THE
PHILIPPINES

40%
MEXICO



6.6 million
immigrant workers
comprised **33.9%** of
the labor force in 2015



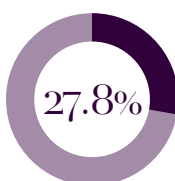
Key Stats for New York⁴

OVER
22%

(1 in 5) OF
NEW YORK
STATE'S
POPULATION
IS **FOREIGN
BORN**

800k
RESIDENTS in
New York State are
**UNDOCUMENTED
IMMIGRANTS**

347,573
immigrant business owners
accounted for **33.8%**
of all **self-employed** New
York residents in 2015 and
generated \$7.2 billion
in **business income**



2.8 million
immigrant workers
comprised 27.8%
of the labor
force in 2015



From 2010 to 2014,
1 in 12 children
in the state was a U.S.
citizen **living** with at **least**
one undocumented
family member
(351,146 children in total)

THE TOP COUNTRIES OF ORIGIN FOR IMMIGRANTS

NOT TO SCALE

8.7%
CHINA

11.2%
**DOMINICAN
REPUBLIC**

5.2%
JAMAICA

5.2%
MEXICO

4.2%
ECUADOR



ACKNOWLEDGMENTS

This blueprint reflects the expertise, thinking and insight of both of our organizations, partners, member organizations, board members, and community leaders. It would not have been possible without them. We would like to express our deep gratitude for everyone who contributed to this report, including everyone on the NYIC and CIPC teams and designer, Natalia Naduris-Weissman.



THE NEW YORK & CALIFORNIA BLUE PRINT

CREATING HEALTHY COMMUNITIES

Overall Vision

We envision a country in which everyone, regardless of where they were born or how much money they make, has access to affordable housing and the necessary resources to be healthy and thrive. For low-income immigrants, this means ensuring access to safety net programs for health care, food assistance, and other critical services. It also means that programs essential for families should not be predicated on immigration status, are language-accessible to all communities and must not have negative consequences on a person's immigration status. As part of this vision we are calling on our states to expand affordable health care coverage to all residents, regardless of immigration status, ensure everyone has access to accurate and timely information in their first language, and ensure equal access to affordable housing.

Political, economic and social context

Historically, the federal government has failed to provide immigrants access to the broad set of social safety net measures available to other low-income people in the United States. Who is given access to the social safety net in the United States, health care access in particular, is often cynically used as a political messaging tool by advancing a zero sum frame to create division between low-income immigrants and other low-income communities.

This politicization has had deep policy effects. In 1996, two pieces of federal legislation dramatically restricted social safety net services. Signed by President Clinton, the Personal Responsibility and Work Opportunity Reconciliation Act (PROWRA) and the Illegal Immigration and Immigrant Responsibility Act (IIRIRA)-represented the worst of American scapegoating and racist demagoguery. PROWRA restricted benefits that noncitizens could receive, including asylees, refugees, Lawful Permanent Residents (LPRs) as well as undocumented immigrants.

In 2010, Congress passed the Affordable Care Act (ACA), expanding health care for millions of U.S. citizens and many noncitizens, but deliberately excluded undocumented immigrants and DACA beneficiaries. More

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Historically, the federal government has failed to provide immigrants access to the broad set of social safety net measures available to other low-income people in the United States.



recently, the Trump administration has chipped away at the social safety net for poor and working-class families with policies that have cut food stamps, gutted the ACA, and allowed states to institute work requirements to access Medicaid. Nowhere was the anti-immigrant and anti-poor position of the administration more apparent than in the implementation of the new public charge rule that created barriers to green cards for immigrants who use certain safety net programs. The administration used the new rule to purposefully stoke fear in immigrant communities, creating a chilling effect impacting countless families and communities.⁵

The stark differences in infection rates, treatment options, and death rates of COVID-19 for communities of color has only confirmed the gaping inequities and prejudices that exist in health care systems. Nowhere was that more visible than in New York City in the first months of the pandemic where Black and Latinx residents were twice as likely to die from COVID-19 than white residents.⁶ In California, communities of color are, in some counties, four to six times more likely to contract the virus and two to three times more likely to die from COVID-19 than white residents.

COVID-19 has surfaced what the immigrant justice movement has long known to be true: until states invest in creating truly healthy communities for all, they are undermining everyone's ability to thrive.



The stark differences in infection rates, treatment options and death rates of COVID-19 for communities of color has only confirmed the gaping inequities and prejudices that exist in health care systems.

New York State

New York State has a history of protecting and promoting immigrant health care where the federal government has failed. This includes the longstanding program of universal children’s health insurance (Child Health Plus) that puts the State at the national forefront on immigrant children’s coverage. With Democrats gaining control of the New York State Senate in 2018 and immigrant communities continuing to organize and build power across the State, the demand for broader coverage and affordability mechanisms continues to grow in New York State. Yet Governor Cuomo’s threats to deepen Medicaid cuts, coupled with the economic crisis, caused by the pandemic make coverage expansion an uphill battle.

Some important past policy victories include:

1990

New York launches Child Health Plus, a health insurance program for children who are not eligible for Medicaid, including undocumented New Yorkers under age 19—the first state in the nation to do so.

2001

State Court of Appeals decision provides health insurance coverage to people who have status but are subject to federal waiting periods, or who have a pending or temporary status that makes them ineligible for federal coverage. This includes DACA recipients.

2010

The Affordable Care Act is enacted, expanding health care access for millions of U.S. citizens and many noncitizens, but excluding some lawful immigrants and all undocumented immigrants.

2015

New York State launches the Essential Plan, providing more affordable coverage to many low-income immigrants at income levels higher than the Medicaid threshold. Since it is part of the ACA’s Basic Health Program option, it still excludes undocumented New Yorkers.

2018

New York State commits (through executive order) to preserve Medicaid coverage to anyone who has ever had DACA, even if their DACA status has expired.

2020

New York is the first state to include (through executive order) COVID-19 testing, evaluation and treatment as covered services under Emergency Medicaid.

New York Creating Healthy Communities Demands

1

Create a state-funded Essential Plan to ensure eligibility for affordable health coverage for all low-income New Yorkers regardless of immigration status, and expedite eligibility for undocumented New Yorkers who have had COVID-19.

2

Pass and fully implement the New York Health Act, which would establish a unified financing and coverage system for all New York residents, in which the benefits are the same regardless of immigration status, employment status, income or other characteristics.

3

Achieve greater behavioral health access through stricter enforcement of existing parity laws and increased payment rates to fairly compensate true safety-net providers for their disproportionate effort in treating mental health conditions and substance use disorders.

4

Improve the financial stability of true safety-net providers by increasing their Medicaid reimbursement rates and targeting existing funding sources for unreimbursed care exclusively to these providers.

5

Ensure that resources are available across New York State for immigrant families to receive accurate and timely information on health access and coverage rights and options from trusted community-based sources given increased concern and confusion caused by the Department of Homeland Security's new public charge regulation and other policy changes.

6

Implement a system of capacity-building, monitoring and enforcement that fully realizes the intent of existing language access laws in health care settings.

7

Promote equitable and affordable access to housing options, regardless of immigration status.

California

California is a national leader in ensuring immigrant access to health coverage and the safety net, often in response to xenophobic scapegoating by the federal government. Examples include a monthly cash assistance program for immigrants with disabilities, as well as “Health4All Kids” and “Health4All Young Adults” Medi-Cal expansions that provide state-funded Medicaid coverage to low-income children and young adults through age 25, regardless of immigration status. While California has taken important measures to expand immigrant access to support and care for many immigrants who have been historically excluded, undocumented immigrants are left out of most health and safety net programs, and more work must be done for these policies to be truly inclusive.

Some important past policy victories include:

1998

Cash Assistance Programs for Immigrants (CAPI), a state-funded program that provides monthly cash benefits to low-income immigrant seniors or immigrants with disabilities who are ineligible for SSI (Supplemental Security Income) in response to their exclusion from TANF.

2010

Affordable Care Act is signed into law, expanding health care access for millions of U.S. citizens and many noncitizens, but excluding undocumented immigrants.

2014

“Health4All” legislation—to expand Medi-Cal (California’s Medicaid program) to all income-eligible undocumented residents using state funds—is introduced for the first time in the California state legislature but does not pass.

2015

“Health4All Kids” (SB 75), is signed into law, expanding Medi-Cal eligibility to all low-income children ages 18 and younger in California, regardless of immigration status.

2016

Health4All Kids is implemented in 2016, eventually leading to over 275,000 undocumented children (and counting) enrolling into Medi-Cal.

2019

After several years of the Health4All Coalition’s continued advocacy, “Health4All Young Adults” is approved in the state budget with support from newly elected Governor Gavin Newsom. The program expands Medi-Cal eligibility for undocumented immigrants aged 25 and younger and makes California the first state in the United States to extend coverage to undocumented adults. Despite momentous grassroots mobilization in support of SB 29, the proposal to include undocumented seniors age 65 and older did not pass this year.

2020

Health4All Young Adults is implemented on January 1, 2020. “Health4All Seniors” Medi-Cal expansion for income-eligible undocumented seniors ages 65 and older is included in Governor Newsom’s proposed budget, which would expand Medi-Cal coverage to all seniors starting in 2021. However, after a severe economic downturn resulting from the COVID-19 pandemic and a significant deficit in the California state budget, the implementation is delayed to 2022.

California Creating Healthy Communities Demands

1

Build on California's expansion of Medi-Cal to children and young adults; expand Medi-Cal to all income-eligible California residents, regardless of immigration status, and expedite eligibility for undocumented seniors ages 65 and older.

2

Replace the state's current fragmented health care system of public, private, and employer-based insurance with a newly established unified financing and coverage system for all California residents, in which the benefits are the same regardless of immigration status, employment status, income or other characteristics.

3

Include all income-eligible California residents in a state-funded equivalent of CalFresh, California's food access program, regardless of immigration status.

4

Expand state funding and training on the public charge rule for community-based immigration legal service providers as well as public benefits enrollment workers in order to increase their capacity to assist immigrants impacted by the Department of Homeland Security's expanded rule.

5

Ensure culturally competent, accessible mental health services for immigrants and refugees in the state health insurance program, Medi-Cal and others.

6

Forgive rent delinquencies due to the current pandemic, ensure equal access to affordable housing and tenancies and enforce protection from landlords.

BUILDING POLITICAL POWER AND GUARANTEED CIVIL RIGHTS

Overall Vision

We envision an inclusive democracy where everyone has the opportunity to access government and state institutions without fear or intimidation, where civil rights are upheld, and where government is accountable to the communities it represents. As part of this vision we are calling on our states to ensure democratic representation through the drawing of fair and impartial electoral district lines, ensure everyone can meaningfully participate in all aspects of life by guaranteeing language access across all sectors of government, increase funding to help residents apply for citizenship, and expand municipal voting rights to millions of adults that are not yet citizens.

Political, economic and social context

While the United States aims to be a government of and by the people, many of those living in the country, including tax-paying noncitizens and people with criminal records, cannot vote to elect their government representatives. These communities have children enrolled in public schools, pay payroll, sales and income taxes, and are essential members of every community. Even for U.S. citizens who do have the legal right to vote, particularly low-income communities of color, this right has become increasingly more difficult to exercise.

In 1965, the federal government passed the Voting Rights Act (VRA) to protect voters from state-sanctioned voter suppression. Since 2013, after the U.S. Supreme Court invalidated a key section of the VRA meant to protect communities' of color right to access the polls, there have been limited federal mechanisms to safeguard the right to vote. But even before that decision, local, state and national Republican leaders have used every lever possible to diminish the political voice of low income voters, immigrants and communities of color by creating racist, structural barriers to voting. More recently, in the wake of the COVID-19 crisis necessitating wide-scale mail-in voting, the Trump administration actively sought to undermine the United States Postal Service to prevent people from safely exercising their right to vote.

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In addition to threatening Americans' ability to access the voting booth, the Trump administration used the 2020 Census as a divisive weapon to both scare immigrant communities and diminish their political and economic power. Census data determines how billions of dollars of federal resources are distributed in communities and determines communities' Congressional power. Despite the U.S. Supreme Court siding with the NYIC in a landmark lawsuit challenging Trump's attempt to add an unnecessary citizenship question on the census form in 2019,⁷ the Administration found other insidious ways to dissuade and prevent immigrants and communities of color from participating in the Census. This included ending on-the-ground census operations prematurely and issuing an unconstitutional executive memo to not count noncitizens for the purpose of Congressional apportionment.

New York and California have two of the largest populations of foreign born citizens, representing more than 18 percent of New York's total eligible voters and 14 percent of California's eligible voters respectively.⁸ In both states, immigrant voters have the potential to be the margin of victory in local, state and Congressional elections, but only if they are able to fully realize their electoral rights. The immigrant justice movement cannot guarantee civil rights for all in the country without building political power and at the very core of that is ensuring everyone has meaningful access to state institutions and that all of our community members are counted and considered in decision making.

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In both states, immigrant voters have the potential to be the margin of victory in local, state and Congressional elections, but only if they are able to fully realize their electoral rights.

New York State

Immigrant New Yorkers, citizens and noncitizens alike, face unique barriers to participating in our democracy. Until 2020, New York had some of the most restrictive, antiquated voting laws in the country. As immigrant New Yorkers are more likely to work farther away from where they live as well as work nontraditional schedules, the lack of early voting and inability to vote absentee effectively disenfranchises these voters by making it unnecessarily difficult—often impossible—to cast a ballot. Furthermore, language interpretation services are offered in only a limited number of languages which is wholly inadequate for many parts of the state, particularly New York City where hundreds of languages and dialects are spoken. Despite these barriers, immigrant communities in New York are building political power to demand the same rights as their fellow New Yorkers.

Some important past policy victories include:

2011

New York City begins allowing residents, regardless of immigration status, to vote in Participatory Budgeting and decide on the allocation of city funding for certain capital projects.

2014

New York voters approve a referendum creating an independent redistricting commission.

2019

State legislation is passed creating a nine-day early voting period for each election.

2019

New York City voters approve a referendum creating Ranked Choice Voting for all municipal elected offices.

2019

New York State and local governments allocate over \$100 million in Census funding, including over \$20 million in direct funding to community-based organizations (CBOs) for census outreach.

2020

Automatic Voter Registration is passed by the legislature, easing registration for hundreds of thousands of eligible New Yorkers.

2020

The state legislature created a two-year window dramatically expanding absentee voting and setting the stage for a transition to vote-by-mail.

New York Building Political Power & Guaranteed Civil Rights Demands

1

Pass legislation at the local level to allow legal residents, such as green card holders and DACA recipients, to vote in municipal elections. Nearly ten percent of the state's population falls into this category.

2

Engage with residents during the redistricting process to draw boundaries that provide fair and effective representation for racial and language minority groups and keep intact neighborhoods and communities with established ties of common interest.

3

Ensure each county board of elections operates polling places that are safe, accessible, and have robust language services beyond those covered in the federal Voting Rights Act. Interpreters must be allowed to accompany voters inside the polling place. All election materials disseminated by boards of elections or other government entities must be accurately translated in as many languages as possible.

4

Fund CBOs to help one million New Yorkers become citizens. Whether for legal, language translation, outreach or other services, these CBOs should host workshops and consultations that are free to the public throughout the state.

5

Transition New York into a vote-by-mail system by 2030, where each voter is automatically mailed a postage-paid ballot for each election in which they are eligible to vote.

6

Expand and improve language access services by both expanding and codifying existing Executive Order 26 through passing legislation. Expansion must include a mechanism to respond to changing immigration trends, where high quality data on language needs is used to specify which languages need to be covered at the state level.

California

In California, building political power is critical for immigrant communities. The immigrant justice movement, in coalition with civil rights organizations, farmworkers, students, and unions, won important gains for all Californians, regardless of immigration status. As a result, landmark policies that expand language access, a statewide legal protective services program, state licensing certification for undocumented lawyers and business owners, and state drivers licenses have been key steps in recognizing and ensuring the rights of immigrant residents. More recently, municipal voting rights and policies that ensure undocumented residents can serve on school and state boards, and commissions, as well as significant investments in implementing the 2020 Census are key steps to building power. Still, California has a long way to go in ensuring immigrant communities have access to all levers of local and state institutions to be able to build continued power.

Some important past policy victories include:

1998

California funds a naturalization services program for qualified legal permanent residents

2012

California passes the country's first law addressing the barriers faced by immigrant families in the child welfare system, requiring reasonable efforts must be made to prevent removal and ensure status for families

2013

California enacts legislation to admit undocumented lawyers to the state Bar Association.

2015

California allocates \$15 million for legal support services for immigrants, including naturalization and naturalization support, through the Department of Social Services.

2015

California passes AB 60 extending drivers' licenses to all California residents, regardless of status. While the AB 60 license has a mark to indicate it is not a federal form of ID, the law created a pathway to get a driver's license.

2018

San Francisco Board of Supervisors adopted an ordinance amending the Municipal Elections Code to implement Proposition N to develop a non-citizen voter registration form and other documents related to noncitizen voting in School Board elections.

2019

California allocates \$65 million for legal support services for immigrants and makes \$45 million an ongoing part of the State budget.

2020

California's Census outreach requires materials to be made available in 12 languages.

California Building Political Power & Guaranteed Civil Rights Demands

1

Expand city and county policies to ensure non-citizens are able to vote in local elections. Cities like San Francisco allow immigrants to vote in school board elections. A similar campaign is underway in Los Angeles county. Other cities and counties should follow suit by passing policies to ensure noncitizens are able to vote in municipal elections.

2

Invest in language access and translation, regularly assess language needs across the state to determine which languages should be added for state translation and interpretation services and support.

3

Provide funding to CBOs to assist one million eligible residents to attain citizenship. Whether for legal guidance, language translation, outreach and education or other services, these CBOs should host workshops and consultations that are free to the public throughout the state.



ENDING STATE SUPPORT FOR DEPORTATION, DETENTION AND MASS INCARCERATION

Overall Vision

We envision a country that ensures the basic human dignity, and core constitutional and human rights of everyone, regardless of race or immigration status, especially in the immigration and criminal legal systems. To achieve this, we must end all state involvement in the federal detention and deportation system, end state violence against Black and brown people, and ensure everyone has the right to true due process. As part of this vision we are calling on our states to ensure all immigrants facing deportation have the right to an attorney, cease over policing and unconstitutional stops by law enforcement, and prohibit all state and local government employees from collaborating with federal immigration authorities to facilitate immigration related arrests and detention.

Political, Social and Economic Context

The over-policing of communities of color is not accidental. Whether it's the NYPD, LAPD, Customs and Border Patrol (CBP) or Immigration and Customs Enforcement (ICE), these institutions are all part of a system of repression that goes back hundreds of years and is designed to surveil, intimidate and inflict brutality and cruelty without any accountability. Racial profiling and over-policing in communities of color results in thousands of arrests for minor offenses and a single one of these arrests can have enduring and immense consequences throughout an individual's life, especially for immigrants, both with or without legal status.

In the last 20 years, under both Republican and Democratic administrations, spending on federal immigration enforcement has ballooned. Year after year, agencies like ICE and CBP have bigger budgets to arrest, detain and deport immigrant families. This has meant Border Patrol agents terrorizing border communities while violating the civil rights of residents, children being separated from their parents and held in cages, and ICE officers perpetrating military style arrests of long standing members of immigrant communities. These brutal tactics, while amplified under the Trump administration, are at the core of these agencies' mission, putting pressure on the question of the overall value of these agencies.

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To achieve this, we must end all state involvement in the federal detention and deportation system, end state violence against Black and brown people, and ensure everyone has the right to true due process.



For years, states and local governments have been active participants in this deportation machine. Local law enforcement, including sheriffs and police, work closely with ICE to share information and facilitate ICE arrests. However, faced with the extreme cruelties of the Trump administration's white nationalist, anti-immigrant agenda, states like New York and California have begun to question their role and take a more active approach to ending unjust deportations. As cities, counties and, more recently, states have taken on this important work, we have invaluable research that demonstrates that ending state support for deportation not only protects our residents, but lowers crime rates, increases annual median incomes and reduces poverty.⁹



For those in jails, prisons, and immigration detention, COVID-19 has confirmed the racist and heartless underpinnings of our criminal legal and immigration systems.

For those in jails, prisons, and immigration detention, COVID-19 has confirmed the racist and heartless underpinnings of our criminal legal and immigration systems. In the early months of the pandemic, it was two detention centers in New York and California, the Buffalo Federal Detention Facility in Batavia and Otay Mesa Detention Center in San Diego, that reported the highest numbers of COVID-19 positive cases.¹⁰ Rather than take immediate steps to slow the spread of the disease and protect immigrants detained at these facilities, ICE ignored the problem, restricted access to personal protective equipment (PPE), and fought against attempts to release vulnerable immigrant detainees on bond. Nearly a year later, people across the country are languishing in detention, prisons, and jails and continue to be denied basic protective equipment, social distancing measures, access to necessary health care services, and potentially life saving release programs, resulting in a death sentence for many with no repercussions for those responsible.

States must do everything they can to defend their residents from the federal deportation machine and ensure families can stay together, not languish in jails, prisons or detention centers.

New York State

In the last three years, New York State, and cities and counties within New York, have taken meaningful steps to end their support for deportation, including increased funding for immigrant legal services and passing measures to prevent immigration enforcement activities at New York courthouses. However, New York still lags far behind other states in ensuring that all of New York State is brought into this effort to protect residents. As a Northern border state, New York's upstate immigrant communities continue to be regularly harassed, arrested, and detained by Border Patrol officers, who many times are directly assisted by local law enforcement engaged in racial profiling. New York must continue to enact policies that prevent resources from being spent to aid the federal deportation machine.

Some important past policy victories include:

2014

New York City begins funding for immigration legal services that has steadily increased, including: the pilot and expansion of the New York City New York Immigrant Family Unity Project, which provides public defender-type services to immigrants appearing before New York City's detained immigration courts, the Immigrant Children Advocates Response Effort to provide representation to unaccompanied children and Central American families, and the Immigrant Opportunity Initiative.

2017

The Legislature allocated \$650,000 to create the Statewide New York Immigrant Family Unity Project (NYIFUP) to provide legal representation to immigrants detained at Batavia Federal Detention Center and the Ulster County Correctional Facility.

2018

A New York state appeals court ruled that it is illegal under state law for local law enforcement agencies in New York to make immigration arrests at the request of federal immigration officials. This includes the honoring of ICE detainers.

2018

New York State more than doubled funding for civil immigration legal services, mainly through the creation of the Liberty Defense Project (LDP). The LDP was funded at an initial \$10,000,000 and an additional \$1,000,000 was raised in private funds for the development of a pro-bono representation network.

2020

New York City allocated \$58,231,800 to legal services funding for immigrants.

2020

New York State passes the Protect Our Courts Act to ensure all immigrants can access New York State and local courthouses free from ICE enforcement actions.

New York Ending State Support for Deportation Demands

1

Place strict limits on how police, peace and probation officers, and other state, city, town, or village employees may engage in immigration enforcement or interact with immigration authorities to ensure state and local resources are not used to help ICE and federal immigration authorities target and separate immigrant families, and sow fear in our communities.

2

Create a statutory right to a lawyer, rooted in the New York State constitution, for any New Yorker facing deportation who cannot afford an attorney on their own. Ensure that every New Yorker is entitled to true due process in immigration court by appointing a lawyer to anyone in New York who has a case before an immigration judge or who has a basis to file an appeal of a request to reopen an old deportation order.

3

Provide \$25 Million in state funding for immigration legal services to fund the Liberty Defense Project, Opportunity Centers and community based organizations to provide legal services, ongoing community outreach, education and know your rights presentations.

4

Reduce unconstitutional and unnecessary stops and arrests by law enforcement, including through the legalization of marijuana.

5

Implement the New York Justice Roadmap, a collection of legislation that addresses harms caused by the deeply entangled criminal and immigration systems, from street stops through parole and probation.

6

Require all employers regardless of size to comply with strict rules limiting when ICE can be given access to a worksite or employee records and to follow specific notice obligations to employees. Enact rules prohibiting employers from contacting ICE or threatening to contact ICE, particularly as a retaliation tactic. Prevent employers from voluntarily allowing ICE to enter nonpublic work areas or to access company records without legal documentation in the form of a warrant or subpoena. Require employers to follow specific requirements related to Form I-9 inspections and notifying affected employees—and their union if applicable—of the action.

California

California leads the nation in protecting communities from detention and deportation by passing policies to prevent local law enforcement from improper ICE holds, creating transparency between local law enforcement, immigration authorities and the public, disentangling information and resource sharing between local law enforcement and federal immigration authorities, and making budget investments in legal protective services. However, there is much to be done to ensure that all Californians know and can exercise their rights. In many counties and cities throughout the state, local law enforcement still works directly with ICE and immigration authorities to arrest and deport people, in violation of current law. The state must do more to ensure people know their rights, can exercise these rights and have access to legal counsel and proper due process.

Some important past policy victories include:

2014

The TRUST Act limits local jails from holding people solely to begin the deportation process. The TRUST Act set a minimum standard across the state to limit “hold” requests in certain circumstances.

2014

California provides \$3 million to support legal protective services and representation for children fleeing violence in Central America and appearing in immigration courts

2015

California creates the One California Program to provide citizenship and immigration counsel to unaccompanied children, DACA recipients, undocumented immigrants and citizenship applicants.

2016

The TRUTH Act requires notice to anyone in a California jail subject to an ICE detainer, preventing ICE from arresting immigrants in jail without providing notice of their intent to arrest. Took a step towards due process rights and afforded the opportunity for individuals to say “no” to an ICE interview.

2017

The California Values Act limits resource sharing and cooperation between immigration enforcement and local law enforcement but for limited exceptions.

2019

California allocates \$65 million for legal services for immigrants and makes \$45 million a permanent part of the budget.

2019

Central District Court of California issues ruling that ICE violates the Fourth Amendment by relying on an unreliable set of databases to make arrests and issuing detainers to state and local law enforcement in states that do not authorize civil immigration arrests.

2019

Ninth Circuit Court of Appeals upholds key provisions of the constitutionality of the California Values Act, which limits information and resource sharing between law enforcement and immigration authorities, and The Immigrant Worker Protection Act, which limits E-Verify requirements for employers, after a challenge from the Trump Administration. In 2020, the Supreme Court declined to hear the case.

California Ending State Support for Deportation Demands

1

Strengthen the California Values Act, commonly referred to as the state's "sanctuary law," to address and eliminate all remaining carve-outs.

2

Cease unnecessary and unconstitutional stops and arrests by law enforcement all of which have deep consequences throughout an individual's life and unique ones for those who are undocumented.

3

Mandate a right to counsel ensuring anyone in immigration detention facing deportation who cannot afford an attorney on their own will get one. Ensure that everyone in the state is entitled to true due process in immigration court by appointing a lawyer to anyone who has a case before an immigration judge or who has a basis to file an appeal of a request to reopen an old deportation order.

4

Ensure permanent continued and increased funding for One California, the state's legal protective services fund and allocate dedicated funds for immigrant removal defense.



ENSURING ECONOMIC JUSTICE AND GOOD JOBS

Overall Values

We envision a country where every person, regardless of where they were born, is able to provide for themselves, their families and their communities. This requires extending the same benefits and worker protections to immigrant workers as others receive, including protection from harassment, the right to collectively bargain, unemployment insurance, and workers compensation. In this vision, all immigrant communities can equitably participate in training and education programs to build their skills, and have the tools and resources they need to advance in their careers, build wealth, and have ownership over their livelihoods. This will require broad, systemic change, meaningful resources, and consistent investments in our communities. As part of this vision we are calling on our states to enact meaningful state supports for undocumented families who do not qualify for federal relief, extend critical benefits and protections to all workers regardless of immigration or employment status, and invest in the development, training and advancement of all workers.

Political, Social and Economic Context

The country's economic foundation and infrastructure, from agriculture to industrialization, was built by Black, enslaved people, whose compelled labor was neither acknowledged nor compensated, even upon emancipation. To this day, workers in industries once occupied by people who were formerly enslaved, and now largely filled by immigrants, have little to no federal labor protections for wage, health or safety violations—shameful legacies of the Jim Crow era and the country's resistance to reckon with its racist history. The country has yet to make meaning of or rectify how these historic economic injustices have caused generations of trauma and vast, often racialized, wealth inequality.

The legacy of exploited labor of Black and immigrant workers continues today. Immigrant workers are over-represented among farm and domestic workers, as well

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as in unprotected service industries, and often work in non-unionized jobs with limited worker protection. Among immigrant workers, undocumented immigrants earn on average 12 percent less than their counterparts with work authorization and are ineligible for earned benefits such as Unemployment Insurance or Social Security.¹¹

While immigrant workers are overrepresented in every low-wage sector, many of them are essential to the country's ability to survive the COVID-19 pandemic. From farmworkers, to those in food manufacturing, trucking and delivery, to child care workers and caretakers, immigrant workers have been deemed essential in the current pandemic but without the protection afforded to many other workers. Immigrant New Yorkers make up more than 31 percent of essential workers in the state, and in California, immigrant workers make up 36 percent of essential workers.¹² Yet, even as immigrant workers put their lives on the line to keep cities, states and the country running during the pandemic, most are excluded from federal relief efforts and basic worker protections. An additional and precarious trend for workers is the overrepresentation of immigrants in the "gig economy," including for companies like Uber, Lyft and food delivery apps. Gig economy workers work without the protection of basic employee benefits, including a guaranteed minimum wage or health care.

Even while overrepresented in low-wage sectors, immigrants and refugees, in particular, are more likely to start businesses than their U.S.-born counterparts. These businesses create jobs and significant revenue despite not qualifying for federal or state resources for small business owners.¹³ In New York alone, 41 percent of small business owners are immigrants while in California, more than 52 percent are owned by immigrants.¹⁴

Immigrants will be critical in the work to rebuild the economy in a post COVID-19 world, but only if they are given the protections, opportunity and support needed to ensure economic power. We must make sure everyone can access a good job while continuing efforts to ensure every job is, in fact, a good one.

New York State

In 2019, after decades of organizing, New York State finally took the important and long overdue step of ensuring critical protections for New York's farmworkers, but that was just the first step of much needed reforms to protect immigrant workers. Immigrant communities, already vulnerable before COVID-19, are especially vulnerable to exploitation, unsafe working conditions and the devastation of an economic downturn that left millions of immigrants and their families with no access to a steady income and unable to access life saving relief from the state or federal government. Moving forward, New York must invest in and protect immigrant workers, entrepreneurs and small businesses owners.

Some important past policy victories include:

2010

New York State Domestic Worker Bill of Rights passed providing domestic workers with the right to overtime pay; a day of rest every seven days, three paid days of rest each year after one year of work for the same employer; protection under New York State Human Rights Law; and the creation of a special cause of action for domestic workers who suffer sexual or racial harassment.

2015

New York City passes the Fair Chance Act to ensure that all public and private employers are considering applicants based on their skills, experience, and qualifications before weighing whether their criminal conviction history is relevant.

2018

New York States passes Paid Family Leave to ensure that working families no longer have to choose between caring for their loved ones and risking their economic security.

2019

After seventy years of exclusion, New York State farmworkers finally won the right to a day of rest, overtime pay and the right to bargain collectively.

2019

To help address persistent pay gaps that disproportionately impact women of color (Black women in New York earn just 66 cents for every dollar a white man earns, and Latina women a horrifying 56 cents¹⁵), New York State passes a series of pay equity laws that aim to help close the gender wage gap.

New York Ensuring Economic Justice and Good Jobs Demands

1

Create a permanent statewide fund to provide emergency relief for all excluded workers impacted by natural disasters, including those who are undocumented and those who work in the cash economy.

2

Eliminate the sub-minimum wage for Tipped Food Services and Tipped Service Employees as immigrants comprise 35 percent of all workers who are detrimentally impacted by the \$7.85 Tipped Food Service base wage (\$10.00 in New York City) for workers in the Accommodation and Food Services industry.

3

Support the state's diverse and vibrant refugee populations by providing consistent, flexible, full funding of at least \$5 million to support a strong network of refugee resettlement agencies through the Enhanced Services to Refugees Program, a program that serves as a beacon for other states around the country.

4

Make state-issued professional licenses accessible to all New Yorkers, regardless of immigration status. Advance credential recognition and re-licensing for in-need professions such as nurses and teachers and ensure Workforce Innovation and Opportunity Act (WIOA) funding is used proportionately to support and develop programs that offer services geared to the specific needs of foreign trained professionals, including advanced contextualized ESL.

5

Extend employee benefits to independent contractors and low-wage immigrant workers, including unemployment insurance, paid sick leave, and workers' compensation.

6

Ensure that immigrant owned small businesses and entrepreneurs like street vendors are able to access existing assistance and receive support in navigating the state economic and regulatory landscape, and create increased loans and capital programs targeting immigrant small businesses who face unique hurdles in accessing other available supports.

California

Like all workers of color, immigrant workers are overrepresented in jobs and sectors with little to no worker protections including domestic and farm work, the service sector, and day labor. But California has seen a powerful organizing response to this lack of protection. From caretakers and child care workers to warehouse and garment workers, working communities have organized to ensure protections including the right to collectively bargain, demand overtime compensation, improved worker safety and nominal protection against employers explicitly cooperating with immigration enforcement agencies. As we continue to pursue increased protections and dignity at work, we must also ensure that these protections are upheld, respected, and enforced, regardless of a worker's immigration or employment status.

Some important past policy victories include:

2011

AB 1236 ensures that city, county and state government cannot force private business owners to use E-Verify, a flawed, costly web-based program that lets businesses verify the work authorization of new hires.

2014

SB 1159 requires licensing boards to accept an individual taxpayer identification number (ITIN) in lieu of a Social Security number for professional licenses, enables all California students who qualify to sit for specific licensing exams, and prohibits the Department of Consumer Affairs from denying licensure to an applicant based on their citizenship or immigration status.

2014

California passes the Domestic Worker Bill of Rights ensuring overtime pay and other protections for domestic workers.

2015

AB 622 prohibits employers from using E-Verify to check the employment authorization status of existing employees, or applicants who have not yet been offered employment.

2016

SB 1001 prohibits an employer from requiring additional or other documents that are already required under the I-9 process, as a way of addressing document abuse in the workplace.

2017

AB 450 prohibits employers from consenting to immigration enforcement agents' access to the workplace or to access employee records unless permitted by judicial warrant.

2018

AB 2184 creates a pathway for business owners and entrepreneurs to create more access for people to start their own businesses, by making sure that people can apply for business and professional licenses without a social security number.

2019

AB 378 establishes the unprecedented right to collective bargaining for state subsidized child care workers.

2019

AB 5 passes to address misclassification of workers.

2020

AB 1593 expands the Earned Income Tax Credit to include all income-eligible immigrant tax filers, regardless of the number they use to file taxes.

California Ensuring Economic Justice and Good Jobs Demands

1

Create a permanent fund to provide emergency relief to immigrant workers impacted by natural disasters who are ineligible for federal income support.

2

Establish state work authorization for immigrant workers with guaranteed worker protections.

3

Create a parallel state response to the federal Workforce Innovation and Opportunity Act (WIOA) that directs resources to day labor centers and CBOs to provide job training and career services, expand apprenticeships and other on-the-job learning opportunities to refugees, asylees, and all immigrant workers.

4

Include all immigrant workers in state tax credits and benefits similar to ITIN inclusion in the California Earned Income Tax Credit.

5

Extend all benefits and protections to independent contractors and low-wage immigrant workers, including UI, paid sick and family leave, and workers' compensation.

6

Ensure that immigrant owned small businesses and entrepreneurs like street vendors are able to access existing assistance and receive support in navigating the state economic and regulatory landscape, and create increased loans and capital programs targeting immigrant small businesses who face unique hurdles in accessing other available supports.

QUALITY EDUCATION

We envision a country where immigrant children, youth, and adults have equitable access to quality schools and programs that support their successful long-term integration into mainstream civic, economic, and cultural life. Immigrant parents and children have intersecting integration and educational needs. Designing services with an eye to these two-generation needs is necessary to ensure parents and youth advance in interconnected and mutually reinforcing ways. As part of this vision, we are calling for our states' education systems to provide culturally-responsive, quality education with wrap-around supports and for our early childhood education and care programs and K-12 schools to engage parents as real partners. We call for parents to have access to English classes to further their own educational interests and to assist them in essential actions like enrolling their children in Pre-K. We call for parents to get tools to flourish in their roles as primary supporters of their young children's development and to help their family integrate into the community.

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We envision a country where immigrant children, youth and adults have equitable access to quality schools and programs that support their successful long-term integration into mainstream civic, economic and cultural life.



New York State

Political, Social and Economic Context

In spite of their enormous potential, immigrant learners are being left behind in New York. One in three adult New Yorkers have low English proficiency or lack a High School diploma or its equivalent. Currently, only around three percent of those eligible for adult education classes are being served statewide. Likewise, New York's youth learning to speak, read and write in English lag very far behind English-proficient students on graduation rates and state tests and also have higher dropout rates.

Funding—it's availability and constraints—plays an extraordinarily important role in fueling equitable access to quality programs. Because adult education and early childhood systems have been developed separately, funding parameters often discourage these programs from developing collaborations across organizations to serve the same family holistically and offering truly coordinated services and referrals between organizations. Changes in the federal Workforce Innovation and Opportunity Act (WIOA)—which puts an increased emphasis on employment outcomes—has made funding streams for adult literacy increasingly more restrictive and more scarce.

New York's immigrant and refugee families access home visiting programs at even lower rates than their peers despite their enormous benefits. A critical home visiting funding stream—MIECHV—had previously excluded immigrant-specific factors in its indicators of need, contributing to access challenges. New York State has failed to provide public schools with funds mandated by the landmark Campaign for Fiscal Equity (CFE) lawsuit.¹⁶ More than 15 years later, schools are still owed billions in CFE funding, with the majority owed to schools with high populations of Black and Latinx students. Due to the State's failure to fully fund the Foundation Aid formula, schools in poor districts have seen class sizes spike, services for Multilingual Learners/English Language Learners (MLLs/ELLs) reduced, curriculum offerings curtailed, teacher positions eliminated, cutbacks in guidance counselors, social workers and librarians, and reductions in tutoring for students who are not meeting state standards. These public school funding deficits have consistently hit students in the poorest districts the hardest.

COVID-19 profoundly compounded all of the challenges immigrant youth and parents have long faced. K-12 remote learning has not worked for so many immigrant families because parents haven't been able to access English, technology and systems navigation skills that are absolutely necessary to meaningfully engage in online learning. Although immigrant parents could obtain these critical skills through remote adult literacy classes, parents do not have adequate access to seats in these classes, nor internet connected devices for this express purpose.



Public schools, straining under the enormous weight of protecting children, teachers and administrators while also educating our youth, have been allocated less funding, not more, by our state and local governments.

New York State

Public schools, straining under the enormous weight of protecting children, teachers and administrators while also educating our youth, have been allocated less funding, not more, by our state and local governments. These impacts will be felt for years to come as immigrant families grapple with so many lost lives, lost incomes and lost time in the classroom; youth will continue to struggle with mental health issues, face increased demands to work, and will need, on an even greater scale, quality programs that respond to these realities to help them catch up. Addressing these challenges in an equitable manner requires skilled implementation and investment commensurate with the magnitude of this moment.

Some important past policy victories include:

2007

As a result of the Campaign for Fiscal Equity (CFE) lawsuit, Governor Spitzer and the State Legislature enact Foundation Aid formula with added weights for ELLs and other high needs students to provide an infusion of school aid dollars to underfunded districts with a fair, transparent and predictable aid program reflecting students' needs and taxpayer capacity.

2014

New York State Education Department produces *Blueprint for English Language Learner Success*, a statewide framework of guiding principles to support ELLs beginning in Pre-K.

2015

New York State Education Department updates enrollment regulations to ensure students' right to enroll in school is upheld in New York as unaccompanied youth arrive.

2017

New York State Board of Regents and New York State Education Department release a protocol and new tools for Emergent Multilingual Learners to help state-funded Pre-K programs implement best practices relative to the role of the home language.

2017

New York State Education Department and Attorney General issue guidance reminding school districts of their duty to comply with existing laws ensuring rights of immigrant children to attend New York's public schools without fear of reprisal.

2018

New York State Education Department commits to including the following elements in district-level data on ELLs/MLLs on data.nysed.gov: home languages of students and counts of: newcomers, long-term ELLs, ELLs/MLLs with disabilities, and Students with Inconsistent/Interrupted Formal Education.

2019

After almost a decade of organizing, New York State DREAM Act is signed into law, allowing thousands of immigrants access to the New York State Tuition Assistance Program and other financial assistance programs.

New York Quality Education for All Demands

1

Robustly fund adult literacy education programs to expand access to English classes and provide parents with integration-focused programs. These programs should be funded to build cultural and systems navigation knowledge, digital literacy, family integration goal setting-capacity, and pathways into more formal English and diploma-focused classes.

2

Fully fund the state's need-based Foundation Aid formula and ensure it adequately reflects the true cost of providing Multilingual Learners/English Language Learners, including those with disabilities, with a quality education.

3

Provide all interested families with newborn babies a voluntary culturally and linguistically responsive home visit by an early childhood specialist with the option for additional home visiting support. Ensure immigrant families have evidence-based individual support for their children's cognitive, emotional, and physical development from the start.

4

Develop culturally and linguistically responsive and sustaining school cultures that value and leverage the many assets immigrant youth and their families possess. Equip schools with wrap-around supports and bilingual/bicultural and diverse educators who engage all families and youth in their education.

5

Improve translation and interpretation for students. Give schools the funding they're owed from the Foundation Aid formula so they can better meet their language access obligations. Promote language access best practices and coordinate efforts across schools and districts to find efficiencies, and expand access to quality providers of translation and interpretation services.

6

Analyze and address the immediate and multi-year effects of COVID-19. Ensure families have sustained access to appropriate devices and internet and provide school staff with the professional development needed to address mental health and learning loss challenges.

7

Identify the number of preschool children who speak a language other than English at home. This is a foundational step to better prepare programs to develop bi/multilingualism in early childhood, more effectively engage with parents, and provide professional development for teachers in increasingly common "super-diverse" classrooms with many different home languages represented.

California

California's students led the country to create DACA and DAPA, and ensure greater investments for immigrants in higher education. Although CIPC carries work on adult learning and workforce development, we often look to our partners for guidance and support on higher education. Thus, we do not offer Higher Education demands. We do, however, share some key moments in the state's pursuit of higher education.

Some important past policy victories include:

2001

California passes the state's Dream Act allowing qualified undocumented students to pay the same amount as other students who grew up in California, rather than higher out-of-state tuition at state institutions

2011

California Dream Act/Student Financial Aid. Allows AB 540-eligible students to participate in state-funded financial aid programs

2012

California Dream Act/Scholarship Eligibility gives California public colleges and universities the opportunity to allow undocumented students who qualify for AB 540 to apply and compete for scholarship awards

2013

The Restoring Higher Education Access and Affordability Act closed an earlier loophole and extended in-state tuition to California colleges, universities and scholarships to U.S. citizens forced to live abroad as a result of their parent's deportation

2014

Expanding Access to Higher Education ensured students who complete high school in less than three years are not penalized by becoming ineligible for AB 540

2019

Historic state budget investments in university-legal support services for students and improved access to higher education

CIPC does not explicitly work on education policy although we partner with close organizations who prioritize education and support on budget and legislative advocacy. We are thankful to our partners and legislative champions in California working to ensure an accessible, comprehensive and quality education for all students.

CONCLUSION & CALL TO ACTION

Immigrant communities are deeply impacted by national elections, but states play a critical role in protecting, defending and expanding immigrant rights. This blueprint lays out a vision to ensure the dignity and power of immigrant communities.

Continue to follow the conversation with our organizations on Twitter and Instagram. We look forward to building with all of you.



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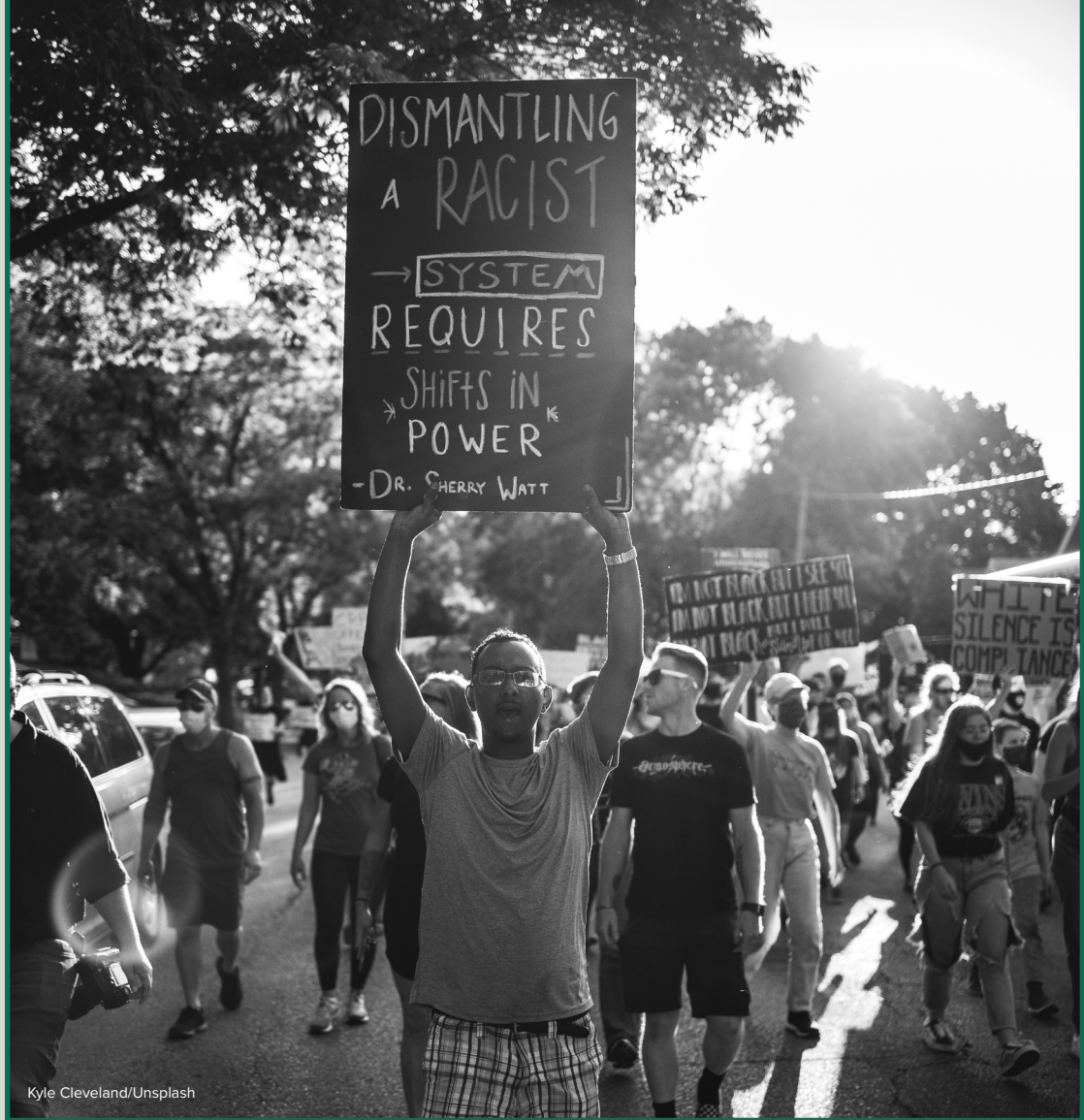


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