



Legislation Text

File #: Res 1598-2012, **Version:** *

Res. No. 1598

Resolution calling on the United States Congress to pass and the President to sign H.R. 2169/S.1195, also known as the POWER Act, which would allow victims of any federal, state, or local labor law violations with regard to wages and hours, labor relations, family and medical leave, occupational health and safety, and discrimination to apply for lawful status if they have suffered substantial mental or physical abuse as a result of the violation, have been helpful or are likely to be helpful in the investigation of the violation, and will suffer extreme hardship if removed from the United States.

By Council Members Dromm, Brewer, Chin, Ferreras, James, Koppell, Lander, Mendez, Williams, Rodriguez and Eugene

Whereas, New York City is home to approximately three million immigrants, and according to the State Comptroller's 2010 report *The Role of Immigrants in the New York City Economy* ("the Report"), immigrant New Yorkers represent 34 percent of the city's workforce; and

Whereas, According to the U.S. Department of Homeland Security ("DHS"), approximately 400,000 undocumented immigrants were deported each year from the United States in both FY 2010 and FY 2011; and

Whereas, The vigorous enforcement of immigration laws by the federal government has resulted in increased fear of apprehension and deportation among immigrants; and

Whereas, Immigrants are highly vulnerable to abuse and often subject to poor working conditions and unpaid and subminimum wages; and

Whereas, For example, in 2008, the Saigon Grill restaurant, located in New York City, was ordered by the United States District Court for the Southern District of New York to pay 36 delivery workers \$4.6 million in unpaid wages, and in 2009, Amish Markets in New York City agreed to pay \$1.5 million in unpaid wages to

550 workers, many of whom were immigrants; and

Whereas, In some cases, immigrants leave their native country due to political unrest or because of military conflicts within their country or region; and

Whereas, As such, immigrants who fear deportation are often afraid to report crimes or are unaware that they can seek relief from local law enforcement or the judicial system; and

Whereas, Furthermore, such fears often prevent immigrants from bringing cases or cooperating with the government when United States labor laws have been or are being violated; and

Whereas, To help curb some of the abuse immigrants face, on July 14, 2011, S.1195/H.R.2169, known as the “POWER Act,” was introduced, according to the bill, “to protect victims of crime or serious labor violations from deportation during DHS’s enforcement actions”; and

Whereas, If enacted, according to the bill, this legislation would allow an undocumented immigrant to be granted temporary immigration relief, “if the Secretary of [DHS] determines that the [immigrant]: (1) has suffered abuse or harm as a result of having been a victim of criminal activity; (2) has suffered substantial abuse or harm related to specified labor or employment violations related to a workplace claim; (3) is a victim of specified criminal activity and would suffer extreme hardship upon removal; (4) has suffered a workplace violation and would suffer extreme hardship upon removal; (5) has been helpful to a local judge, DHS, the Equal Employment Opportunity Commission (EEOC), the Department of Labor, or the National Labor Relations Board (NLRB) or to other authorities investigating, prosecuting, or seeking civil remedies for workplace violations; or (6) has filed, is a material witness in, or is likely to be helpful in the investigation of, a bona fide workplace claim and reasonably fears, has been threatened with, or has been the victim of, an action involving force, physical restraint, retaliation, or abuse of the immigration or other legal process by the

employer in relation to acts underlying or related to the filing of the claim”; and

Whereas, If enacted, the legislation would provide protections to undocumented workers and an avenue for immigrants to report abuses without the fear of deportation; and

Whereas, If enacted, the legislation would assist immigrants in this city who, according to the Report, accounted for \$215 billion in economic activity in 2008 and, therefore, play a vital role in the city’s economic health; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R. 2169/S.1195, also known as the POWER Act, which would allow victims of any federal, state, or local labor law violations with regard to wages and hours, labor relations, family and medical leave, occupational health and safety, and discrimination to apply for lawful status if they have suffered substantial mental or physical abuse as a result of the violation, have been helpful or are likely to be helpful in the investigation of the violation, and will suffer extreme hardship if removed from the United States.

JSM
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