TAXATION WITHOUT REPRESENTATION

African Immigrants in New York
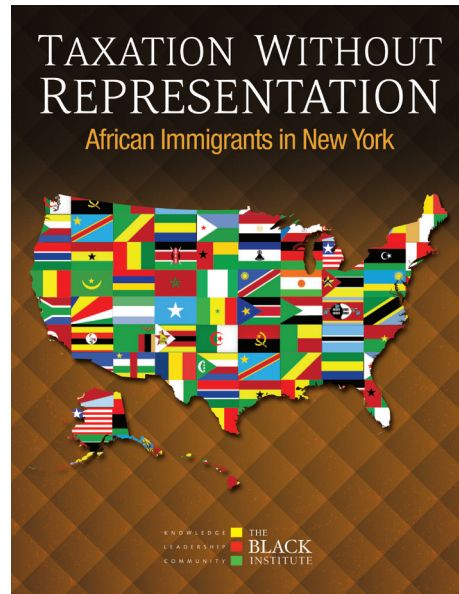
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Executive Summary

Since the passage of The Immigration and Nationality Act of 1965 – a pivotal achievement of the civil rights era that abolished the national origin quotas (in place since 1921 and especially restrictive on Africans) – the rise in the number of immigrants from African countries has far outpaced the general growth of immigration. Thus, while in the period since 1965 the number of foreign-born residents in the United States grew more than fourfold – from less than 10 to over 40 million people, or from around 5 to nearly 13 percent of the total population, the number of immigrants from Africa increased by 47 times: from about 35,000 before the passage of the 1965 Act to an estimated 1.7 million today, according to the American Community Survey of the US Census (which undercounts immigrants and other minorities by its own admission). The largest concentrations of African-born are in New York State – close to 170,000, or 10 percent of the total (126,000 of them in NYC) – and in Maryland, with about 127,000 (again, by ACS data, which may be the most reliable we have, but are still incomplete). In New York Metropolitan Area (a geographic unit that includes parts of New Jersey) the number of African immigrants is 212,000 and in the Washington Metropolitan Area (including parts of Maryland and Virginia) it is 161,000.

African immigrants are a highly diverse group, coming from 54 independent countries (most of them former colonies of one of the five European colonial empires) and speaking dozens of languages; however, the largest group of African-born, around 40 percent, comes from former British colonies and is English-speaking; it is closely followed by the Francophone minority, which has experienced significant barriers to language access in government agencies. In racial terms, around 75 percent of African immigrants – almost all from the sub-Saharan part of the continent - identify as Black, but their relationships with African-American identity have been complicated, given anti-immigrant sentiments in parts of the African-American community and other factors. The remaining 25 percent are primarily Arabs from North African countries, who have been designated as whites since the early 20th century, but many of whom feel discriminated against and ambivalent about their actual racial status in America.

Government institutions in some parts of the country have been developing their responses to the increased need for culturally competent services to the African immigrant community. The District of Columbia is in the lead, being the only one in the United States to have set up a special Office for African Affairs as a mayoral agency; several other jurisdictions, including the State of Maryland, the City of Newark and some others, have set up specialized commissions or advisory groups. In New York, while these best practices have been followed by borough presidents in the Bronx and Manhattan, so far no such agency has been established either at the state or the city level. And as the lofty rhetoric of a "post-racial" America is being increasingly undermined by evidence to the contrary, the lack of representation of African-born even in those agencies that deal with immigrant affairs begs the question about the role of racism, as well as xenophobia and anti-immigrant prejudice in producing this outcome.

Likewise, no African immigrant has been elected or appointed to a position of prominence throughout the New York State or City government. (African immigrant leadership made an unsuccessful attempt to get one of their own elected to NYC City Council in 2013, in the Bronx' 16th District, but could not agree upon a single candidate.) In this regard, Africans lag behind some of the smaller-size communities from the Caribbean and some of the Asian countries who have been able to get their members elected or appointed to city and state offices.

What policy options exist for New York City and State to advance the lagging integration of African immigrants into our economy and society, as well as their representation in public service? In this report, we identify several means by which New York City and State can address the lack of representation of African immigrants. These include: 1) a mayoral and/or a gubernatorial appointment of an African immigrant to head a city and/or a state agency; 2) establishing Offices of African Affairs, as separate entities under the Mayor and the Governor, respectively (along the lines of similar office in Washington DC, which is a model of best practices in this area); and 3) the election of an African immigrant to serve on the City Council, State Senate or State Assembly.

As a near-term solution, **NYC Mayor's Office and New York State Governor's Office must identify qualified African immigrants and appoint them to prominent positions in city and state governments.**

Appointees should ideally be able to represent a range of distinctive subgroups among African immigrants, with connections to different parts of the African continent - including, in particular, Francophone population, - so that as many Africans as possible in New York City could identify with these appointees and support their activities.

Over the medium term (2016-2017), we urge both the City and the State governments to establish Offices on African Affairs. These offices should be tasked with developing targeted outreach and education programs for African immigrants, on such issues as public safety, workforce development and training, health education, multicultural awareness, youth engagement, and other. They should also provide workshops and other training for immigrant entrepreneurs and business owners. Addressing the underemployment of African immigrants, particularly those highly educated and skilled, should be another priority for these offices, so that more African immigrants could work in jobs that suit their qualifications and experience. Given that most of these immigrants are already taxpayers, higher-paying jobs for them would boost local, state and federal revenues.

Grant making institutions in the area need to have African representation on their staff and boards so that African immigrant organizations could have a voice in the grant making process. The Offices on African Affairs should also have their own grant making power to support African immigrant service providers.
Information published by City agencies should be made more readily available in the languages spoken by African-born immigrants. In our view, this requires passing language access laws by the City and State legislatures along the lines of Washington DC's Language Access Law of 2004. The City must also fund more ESL (English as Second Language) classes specifically tailored to the needs of African-born immigrants.

In the longer term, African immigrants need to be able to secure representation in elected offices. This requires not only educating African immigrant voters about the opportunities provided to them by the political system and rallying them around qualified candidates in any given race, but also expanding their voting power. At present, unlike in some other democratic countries, (including Canada, Switzerland, and New Zealand) non-citizens are not eligible to vote in the U.S. in local elections. This needs to be changed in order to expand immigrant civic participation and integration in American society. For this reason, TBI supports NYC Councilmember Dromm's bill to allow immigrants lawfully present in New York City to vote in municipal elections, and we are campaigning for its adoption by City Council.

Implementing these recommendations – starting with mayoral and gubernatorial appointments, an option

that enjoys favorability among all the primary stakeholders and could happen immediately - would significantly advance the long-overdue integration of African immigrants in our society and public life, including their representation in public service.

At the federal level, the abandonment of the long form data available online by the Census Bureau after 2000 and other changes have resulted in a decline in the extent and the quality of data collection. This particularly affects the undercounted and underrepresented – our country's minorities and immigrants – by reducing government agencies' and community-based organizations' ability to analyze population trends, identify service needs and develop targeted outreach programs. The Census Bureau should improve its data collection and dissemination practices.

Federal immigration policies should not be reformed at the expense of any immigrant group. Attempts to eliminate the Diversity Visa lottery that has benefited underrepresented immigrants, such as Africans and East Europeans, should be unequivocally opposed. Over the longer term, our broken immigration system ought to be reformed, on the basis of legislative proposals that take into account the wide diversity of immigrant communities in our country and treat them equitably. The Family and Immigrant Reunification Reform Act (FAIR Act), developed by The Black Institute and submitted to the Congressional Black Caucus in 2013 should be used along with other reform proposals, to safeguard the interests and equitable treatment of Black, Afro-Latino, and African immigrants.

African immigrants at a rally in support of comprehensive immigration reform in Washington DC.
Photo courtesy of Ramatu Ahmed.

AFRICAN IMMIGRANT JUSTICE DEMANDS

Based on the research and analysis presented in this report, as well as, interviews with African immigrant community leaders, The Black Institute is putting forward the following demands:

For New York City Government:

■ Identify and appoint qualified African immigrant candidates to prominent positions in City Government;

■ Establish an African Immigrant Affairs Office under NYC Mayor, with grant making authority to support community-based providers of services to African immigrants;

■ Pass the bill on immigrant municipal voting (Int. 410, "to amend the New York city charter, in relation to allowing immigrants lawfully present in New York city to vote in municipal elections," sponsored by Councilman Danny Dromm), which would enable non-citizens to vote in local elections, as is already being done in six jurisdictions in the State of Maryland and in the City of Chicago;

■ Establish Task Forces on African immigrant affairs by the decisions of Borough Presidents of Staten Island, Brooklyn, and Queens in their respective boroughs, as has already been done in Manhattan and the Bronx;

■ Pass a City Law on Language Access, along the lines of the corresponding DC Law of 2004.

For New York State Government:

■ Identify and appoint qualified African immigrant candidates to prominent positions in State Government;

■ Establish an African Immigrant Affairs Office under the Governor, with grant making authority to support community-based providers of services to African immigrants;

■ Pass a State Law on Language Access, along the lines of the corresponding DC Law of 2004.

For Federal Government:

■ Reverse the decline in the extent and the quality of the data published by the Census Bureau as regards immigrant populations, namely by returning to the practices that were discontinued since the 2000 Census (including more detailed data on countries of origin and languages spoken), as well as by formally including members of African and other underrepresented immigrant communities in Census operations in the areas where they reside;

■ Maintain and expand the Department of State's Diversity Visa Program;

■ Reform our nation's broken immigration system by passing a comprehensive immigration reform bill in the U.S. Congress, providing for legalization and path to citizenship for undocumented immigrants; the bill should incorporate the provisions developed by The Black Institute in its FAIR (Family and Immigrant Reunification Reform) Act (see Appendix C for the FAIR Act summary).

African Immigrants in New York: An Overview

In recent decades, immigration has arguably been one of the key driving forces, if not the principal engine of change in the U.S. economy and politics. Yet, as noted in the introduction to our *All Races, All Faces: A Guide to New York City's Immigrant Communities*, "most of us remain by and large woefully uninformed about the breadth of experiences and cultural as well as historical backgrounds represented by today's immigrants… As a result, millions of people in these communities are left out of the debate and pushed to the margins of our political and economic system … This, in turn, limits the numerical power of the national coalition of advocates for a comprehensive reform of our broken immigration system. The Black Institute has been at work to address this problem through a strategy of increasing the visibility of smaller and medium-size immigrant communities and helping them acquire their own voice in the immigration debate, thus advancing their integration into the wider society."[1] The present report is the next step in our efforts to advance the understanding of the present state and the needs of the African immigrant community in New York City.

Since the passage of The Immigration and Nationality Act of 1965 that abolished the national origin quotas in effect since 1921 the number of foreign-born in the United States grew more than fourfold – from less than 10 to over 40 million people, or from around 5 to nearly 13 percent of the total population. At the same time, the number of immigrants from Africa – historically one of the smallest immigrant groups in the country, that had been subjected, along with Indians and Chinese, to the most restrictive quota – increased by 47 times: from about 35,000 before the passage of the 1965 Act to an estimated 1.7 million today. While this constitutes slightly over a half of one percent of the U.S. population, it is at the same time nearly three times larger than the entire number of Africans forcibly transported to the present-day US territory during the three and a half centuries (1500-1860) of the so-called Middle Passage – the transatlantic slave trade, viewed by Ira Berlin as the first of the four African 'great migrations' in the United States. (While Census/American Community Survey data are the most reliable we have in many cases, readers should bear in mind that minorities and other disadvantaged groups are undercounted. This has been openly admitted by the Census Bureau, which has acknowledged an estimated 16 million omissions from the 2010 census, an undercounting of renters and racial minorities while overcounting homeowners and white people, with a characteristic explanation that "ethnic and racial minorities disproportionately live in hard-to-count circumstances."[2])

Over the past 25 years, the number of African-born in the US increased by more than 4.5 times. For comparison, in the same period of time the number of immigrants from Latin America and Asia grew by 2.5 and a little over than 2 times, respectively, while the rate of growth of immigration from Europe was merely 10 percent. As noted by *The New York Times,* this is "an influx that is shifting the demographic landscape across the country, including in New York City."[3] Assuming these trends hold for the next couple of decades, by 2035 the number of African-born in the US will rise to roughly 7.6 million people, or close to 10 percent of the estimated immigrant population at the time. (And by 2050, as noted in one of the most extensive recent reports on African immigration, published by Migration Policy Institute in Washington DC, working-age population on the African continent is expected to double in size, adding 700 million more potential workers, which in turn will dramatically increase the pressures for emigration from the continent.[4])

The states with the largest African populations are New York (164,000), California (155,000), Texas (134,000), and Maryland (120,000).[5] For Metropolitan areas, the largest African populations reside in the areas of New York, NY (212,000); Washington, DC (161,000); Atlanta, GA (68,000); Los Angeles, CA (68,000); and Minneapolis-

St. Paul, MN (64,000).[6] Thus, New York State and the NYC metropolitan area (which for statistical purposes includes adjacent parts of New Jersey) have the largest concentrations of African-born in the country – close to 10 percent of the total for the United States. Percentage-wise, American Community Survey puts the share of Africa immigrants at over 4 percent of the entire foreign-born population in the country as well as in NYC[7] (in NY State, their share is slightly less than 4 percent of the total). But in some areas, such as The Bronx, their share of immigrant population stands at 10 percent of the total.

Figure 1. Areas of Origin of the Foreign-born Population in New York City, 2011

All Others 0.9%
Europe 15.9%
Carribean, nonhispanic 19.4%
Asia 27.5%
Latin America 32.1%
Africa 4.2%

Foreign-born = 3,066,599
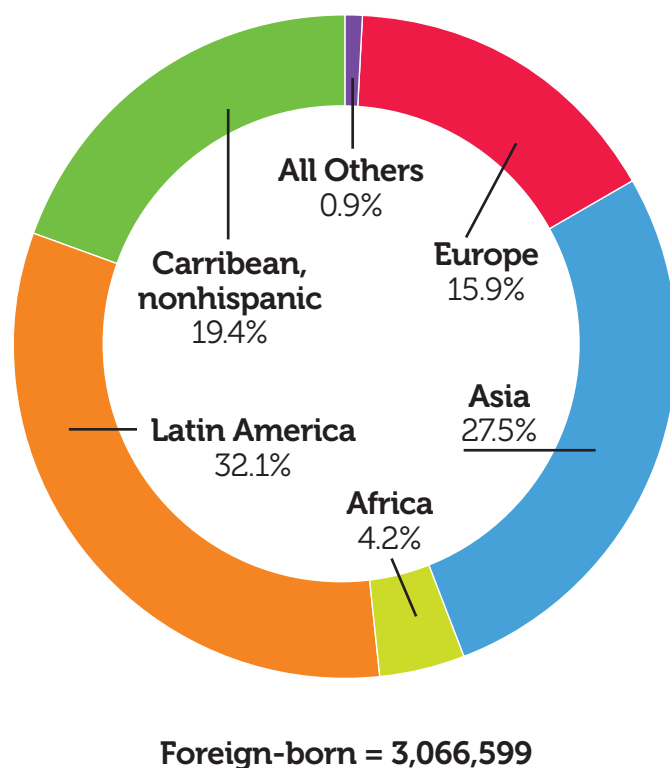
Source: NYC Department of City Planning, *The Newest New Yorkers: Foreign-born Population by Area of Origin and Country of Birth,* New York City, 1970–2011, www.nyc.gov/html/dcp/pdf/census/nny2013/nny_2013.pdf.

The influx of African immigrants has led to the creation of several African enclaves within New York City and around the United States. In New York City, 'Little Liberia' on Staten Island (also known as Park Hill, an area around Park Hill Avenue in Clifton) boasts about 10,000 Liberians, their largest overseas settlement[8] (even though their official Census estimate in Richmond County is between 1,500 and 2,000). In the Bronx, there are about 20,000 Ghanaians,[9] while in Harlem the majority of New York State's 18,000 Senegalese live in "Little Senegal."[10] Nigerians, on the other hand, while being the second-largest African group in the city after Ghanaians, don't have a single primary area of settlement but instead are more evenly dispersed, with roughly 5,500 of them living in each of the boroughs of Bronx, Brooklyn, and Queens.[11]

Has the allocation of resources to the African immigrant community in the New York area been consistent with this growth? Have immigrant-serving institutions kept pace with it, in terms of reflecting the growth of Africans in the diversity of their leadership and programming and in their cultural competency? The present report aims to provide answers to some of these questions based on the available data, anecdotal evidence, as well as the opinions of African immigrants themselves. The report is focused on New York City, as the area of the largest concentration of African-born in the country.

I. Historical Background

Table 1. The growth of African immigration to the US in the 20th-21st centuries

Year	1990 Census	1910 Census	1920 Census	1960 Census	1990 Census	2010 Census	2009-13 ACS 5 year Estimates
African Immigrants in the US	2,538[12]	3,992	16,126	35,355	363,819	881,300	1,663,907

Source: www.census.gov/population/www/documentation/twps0029/tab02.html, www.factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_00_SF3_DP2&prodType=table.

West African grocery in Staten Island. Source: Wikimedia Commons

African presence on the territory of the present-day United States goes back to the 16th century. However, until 19th century, almost all it was due to the transatlantic slave trade via "the Middle Passage". (The first African slaves to be brought to the present-day territory of the United States - in 1617, to Jamestown, Virginia - are believed to have been Angolans. In New York, the first cargo of Africans, consisting of 11 people, was delivered in 1626 by the Dutch West India Company.) The actual size of this coercive migration specifically to the present-day territory of the United States is estimated at about 600,000 for the entire period of the trade, from 1500 to 1860 – about five percent of the total, most of which went to Brazil and the Caribbean.[13]

The connection between the arrival of African Blacks to America via the slave trade and the immigration of the late 20th century is a contested topic, particularly given the complicated and at times competitive relationships between African-Americans and African immigrants today. Ira Berlin is one of those scholars who connect the two, via his concept of the four 'great migrations' – which include the transatlantic transportation of slaves, their subsequent forced transfer to the Deep South, and the Black flight from the South to Northern urban areas in the mid-20th century.[14] Meanwhile, the online project of the Schomburg Center for Research in Black Culture ("In Motion: The African American Migration Experience") counts "thirteen defining migrations that formed and transformed African America," with immigration from Africa being the latest.[15]

Whichever count we choose to accept, it is quite clear that the experience of the first, involuntary migration, including resistance to it, is an essential part of the background story to African immigration today. African-born slaves played essential roles in rebellions and other forms of resistance to slavery, particularly at its early stage (16-17th century), and their struggle deserves to be recognized and studied as an important precursor to the Civil Rights movement of the mid-20th century and the immigrant rights movement of today. Over 500 slave rebellions have been documented by historians on boards of slave ships only, with around 100,000 Africans killed in this resistance.[16] On the present-day US territory, African-born slaves were involved in over 200 uprisings, including a joint rebellion with white indentured servants in 1663 in Virginia. The largest slave uprising in the British colonies - the so-called Stono Slave Rebellion of 1739 – was led by literate, Portuguese-speaking Africans that were called Angolans but are viewed by historians as natives of the Kingdom of Kongo.

Museum of African Diaspora in San Francisco. Photo by Caroline Culler. Source – Wikimedia Commons

After the American Revolution and the emergence of the United States, the new nation accepted very few African immigrants on their own rather than as slaves, and was rather unwelcoming to them. As a result, at the dawn of the 20th century, the number of African-born in the entire country was less than 4,000 people, and in New York City merely a few hundred. A large number of Black Africans in the US at the time were students recruited by African missionaries into such institutions as Lincoln University and Oberlin College, typically to be sent back as missionaries or teachers.[17] While 18th-19th century laws did not restrict immigration from Africa, the right to US citizenship was limited to the whites – until 1870, when the Revised Statutes of the US extended eligibility "to aliens of African nativity and to persons of African descent."[18]

Between the 1910 and 1920 Censuses, the number of African immigrants in the US experienced a fourfold increase, broadly consistent with immigration trends as a whole. While in the first decade of the century, the US accepted less than 30,000 Black African immigrants, in 1910-1920 over 63,000 of them immigrated into the country. High mortality rates were likely the main cause that reduced the actual number of African-born in the US to slightly over 16,000; of these, 5,222 were classified as white, thus the number of Black Africans in the country was around 11,000.[19]

After World War One, the US experienced a tidal wave of anti-immigrant, xenophobic, and white supremacist reaction to the achievements of the Progressive Era. In 1921 and 1924, Congress enacted the most draconian immigration laws in US history – the National Origin Act and the Johnson-Reed Immigration Act. The Immigration Act of 1924 created a permanent system of annual quotas for the admission of all immigrants from outside of the Western Hemisphere (with the exception of children and wives of US citizens, priests, professors, and students). The annual quota for any nationality was set at two percent of the number of those natives of that particular country who were already living in the continental US as determined by the 1890 Census. As a result, African quota was among the smallest – 100 people per year from any one African country. And even though the National Origins Formula was abolished by The Immigration and Nationality Act of 1965 (the Hart-Celler Act), its long-term impact is still with us, in the form of significant inequities it created across immigrant communities, and the disadvantages experienced by those immigrant groups (primarily Africans and East Europeans) who had been subjected to particularly restrictive immigration quotas.

'African Arabs waiting for examination at Ellis Island,' *Popular Science Monthly,* Volume 82, 1913

In 1980, the United States changed its refugee admission policy with the passing of the Refugee Act. The historic significance of the Act was that it eliminated the prior requirement that the refugee must have fled from "a Communist or Communist-dominated country" to be recognized as such in the US; instead, it made the United Nations' definition of a refugee part of the US law.[20] This more inclusive approach resulted in an increase in the

number of refugee visas issued to continental Africa.[21] The Act also established a system of annual consultations between the White House and the Congress on setting refugee quotas from different regions of the world and created a program of assistance and resettlement that was the most comprehensive program of immigrant integration into American society.

While initially Africa was allocated only a very small share of refugee admissions (in Jimmy Carter's Presidential Memorandum on Refugee Admissions for the Fiscal Year 1981, all African countries together earned only 3,000 out of a total 217,000 refugee slots, 168,000 of which were allocated to Indochina[22]), over time the number of African refugees steadily increased (4,900 out of 131,000 total in FY 1991[23]; 20,000 out of 80,000 total in 2001, when Africa was, on a par with Eastern Europe, one of the two largest sources of refugee admissions[24]; and 17,000 – the second-largest regional quota - out of 70,000 total authorized for admission by the Presidential Memorandum for FY 2015[25]). The three largest sources of refugee flow from Africa to the US in 2013 – the latest year for which the data are available - have been Somalia (over 7,600 refugees admitted), Democratic Republic of Congo (2,563) and Sudan (2,160).[26] Of those granted asylum on U.S. territory, the largest African groups were natives of Egypt (over 10,000 people in the 2004-2013 period, over 6,000 of them in the last two years), Ethiopia (over 9,500 in 10 years), and Cameroon (over 5,000 people in the same period of time).

African refugee receives US resettlement certificate. 1980s.
Source – Wikimedia Commons

By now, refugees and asylees from Africa's less than fully democratic governments have been finding their voices in US public life, and some have taken critical stances toward the U.S. Government policies vis-à-vis their native countries. Such prominent figures in their respective communities in exile as Ethiopian-American journalist Abebe Gellaw, of the Global Alliance for the Rights of Ethiopians, Ethiopian-American economist and former World Bank advisor Aklog Birara (currently President of the Center for Inclusive Development in Ashton, Maryland), or Makau Mutua, Kenyan-American professor of law and former dean at SUNY Buffalo Law School, have been publicly advocating for alternative approaches to their respective countries than the ones adopted by the Obama Administration at the time of President Obama's visit to Kenya and Ethiopia in July 2015.[27]

Beginning with the 1980s, African immigration to America increased even faster. This was the onset of the mass exodus from Africa that followed the introduction of neoliberal policies of "structural adjustment" prescribed by the International Monetary Fund and the World Bank in response to the debt crisis in the developing world. These policies, known as "the Washington Consensus," included deregulation and privatization, with the concomitant large-scale unemployment and shrinking public sector. The period immediately following their implementation is widely known as Africa's "lost decade."[28] And while many Africans were still coming to the US as students with the intention to return to their home countries, "inhospitable reception of returning Africans by their former colonial administrators resulted in increased migration to the United States."[29]

The economic reasons for this mass exodus have persisted over the past several decades. There has been increased attention to it due to the wide publicity around the risky and often inhumane circumstances of African migration to Europe, brought to light by the tragic deaths as a result of the sinking of several boats carrying African migrants through the Mediterranean. *The New York Times* that has finally discovered the African immigration as newsworthy recently noted that some of the leading countries of origin for migrants, such as Senegal, Nigeria, and Gambia, have been among the most economically successful on the continent.[31] However, even in Senegal, often touted by international organizations as a successful free market democracy, a recent World Bank study found that only one fifth of the population was employed full-time and nearly a half of all Senegalese lived in poverty.[32] As rightly noted in a widely quoted statement by the head of the African Union commission Nkosazana Dlamini-Zuma following her meeting with the European Union commission president in Brussels,

> *"If people don't have livelihoods at all, they are not going to sit and die of hunger, they are going to look for greener pastures."[33]*

Humanitarian emergencies resulting from civil wars and genocide in a number of countries, including Liberia, Rwanda, and Sudan, also contributed to the flow of refugees. As of today, pressures toward migration from Africa – listed by the International Organization for Migration as **"climate change and environmental degradation, armed conflict, and political, economic and food crises," as well as continued armed conflict in the Democratic Republic of Congo, Somalia, South Sudan, Central African Republic, Mali, and Nigeria[34]** - remain high. In recent years, the East and Horn of Africa (which includes Ethiopia, Eritrea, and Somalia) had the largest increase in the number of refugees globally, with over 9 million of refugees and internally displaced persons as of March 2013.[35] Political repression by authoritarian regimes also contributes to continued exodus: thus, Amnesty International lists Burkina Faso, Central African Republic, Sudan and South Sudan as countries characterized by "persistent denial of fundamental human rights" and Eritrea, Ethiopia, Gambia, Angola, Chad, Guinea, Senegal, Togo, Cameroon, Mauritania, Swaziland, Uganda, Zambia, Zimbabwe, and Burundi as exemplifying "a trend of repression and shrinking of political space."[36]

By 2007, the number of African immigrants in the US reached 1.4 million, up from 35,355 in the 1960s, representing an increase of almost 40 times.[37] Corresponding to this national increase, NYC's share of African immigrants increased steadily over the last 3 decades, culminating in over 128,000 African-born residents across the five boroughs.[38] The following table reflects the progressive increase in African-born migrants to New York City for the period 1970-2000, showing the shifting patterns of their settlement and the emergence of the Bronx as the primary destination for new African immigrants.[39]

Table 2. Increase in the number of African-born in NYC and by borough

Year	Bronx	Brooklyn	Manhattan	Queens	Staten Island	Total
1970	948	5,048	3,404	4,305	147	13,852
1980	2,620	7,274	6,119	6,667	898	23,578
1990	7,876	12,408	9,326	10,537	2,167	42,314
2000	25,423	23,308	15,453	19,591	7,001	90,776
2013 ACS 5-year estimates	47,291	27,187	19,513	23,704	8,989	126,684

The total number of African-born immigrants in the US includes quite a few of those who arrived to the US, on student or tourist visas, but who have since overstayed their visa terms and thus have fallen into the 'undocumented' category. **"It is estimated that there are there are over 400,000 undocumented Black immigrants from Africa and the Caribbean, many of whom, unlike their undocumented counterparts from Latin America, arrived legally but have been unable to adjust their immigration status.[40]**

In recent years, African immigrants have made themselves increasingly visible on the New York scene, with a plethora of burgeoning community organizations (see Appendix A for a select directory of them), as well as with the establishment of the African Day Parade and Festival (first held on August 5, 2007, on Adam Clayton Powell Blvd. in Harlem). By 2012, the parade enjoyed institutional support from government offices, including NY State Senator Bill Perkins, Manhattan Borough President Scott Stringer, NY State Assemblymember Keith Wright, NYC Council Members Inez Dickens, Robert Jackson and Helen Diane Foster, as well as Manhattan Community Boards 10 and 11.[41]

Meeting of the Yankasa Women Association, a Ghanaian Muslim organization in the Bronx. Photo by Isseu Diop Campbell - AFRIKAN SPOT. Courtesy of Ramatu Ahmed.

II. African Immigrant Diversity

Why, as some may ask, has the African community in New York not yet come together to represent themselves as a unified force, like Chinese or Hispanic immigrants have? The answer lies, in part, in the incredible diversity of the African immigrants themselves. This diversity has a national origin aspect, a linguistic aspect, a religious aspect, and a racial aspect, among others.

Table 3. Key characteristics of African-born nationally, in New York State and in New York City (2009-13 ACS 5-yr. estimates)

	Nationally		New York State		New York City	
Number of African-born	1,663,907		169,588		126,684	
Percentage of total population	0.5%		0.9%		1.5%	
Growth rate, 2000-2013	189%		145%		137%	
Naturalized citizens	48%		46%		52%	
Do not speak English at home	78%		79%		81%	
Speak English less than very well	29%		31%		33%	
	Nationally		**New York State**		**New York City**	
	African-born	Total Population	African-born	Total Population	African-born	Total Population
Median age	38	37	41	38	41	36
Black	74%	13%	73%	16%	75%	25%
White	20%	74%	23%	66%	21.5%	44%
Bachelor's degree	25%	18%	23%	17%	22%	20%
Graduate or professional degree	17%	11%	15%	12%	13%	14%
In labor force	75%	64%	72%	64%	73%	63%
Unemployed	8%	6.2%	7.5%	5.9%	7.7%	6.7%
3 Key Occupations	African-born	Total Population	African-born	Total Population	African-born	Total Population
Management, business, science, and arts occupations	38%	36%	35%	39%	31%	38.5%
Service occupations	25%	18%	29%	20%	31%	23%
Sales and office occupations	19%	25%	18%	24%	18%	23.5%
Median earnings	African-born	Total Population	African-born	Total Population	African-born	Total Population
Median earnings	$36-43K	$38-49K	$40-43K	$44-52K	$38-40K	$45-48K
Median household income	$48K	$53K	$51K	$58K	$49K	$52K
Below 200% of poverty level	42%	34%	42%	32%	43%	40%
Owner-occupied housing units	40%	65%	28%	54%	31%	32%

Coming from a continent of over 1 billion people, Africans represent 54 internationally recognized sovereign states, 9 territories that still remain in possession of European powers, and two independent entities with limited or no recognition. However, this diversity is not reflected even in the online Census data: the 2000 Census, the most comprehensive in this regard, identified only 27 African countries of origin. Since then, the level of detail in the Census data available on its website has decreased; thus, the latest American Community Survey estimates of 2013 provide data on national origin from 13 African countries only, attributing the rest of African immigrants to broad geographic regions rather than to specific countries of birth.

(The more detailed data that have been collected, including through the Integrated Public Use Micro- data Series, are not accessible online in the way in which the 2000 Census and the earlier data are).

Figure 3. US African Foreign-Born Population by Region of Birth, 2010.[43]

Western Africa
573,791

Africa n.e.c.
180,386

Southern Africa
79,914

Northern Africa
280,280

Middle Africa
88,711

Eastern Africa
475,832
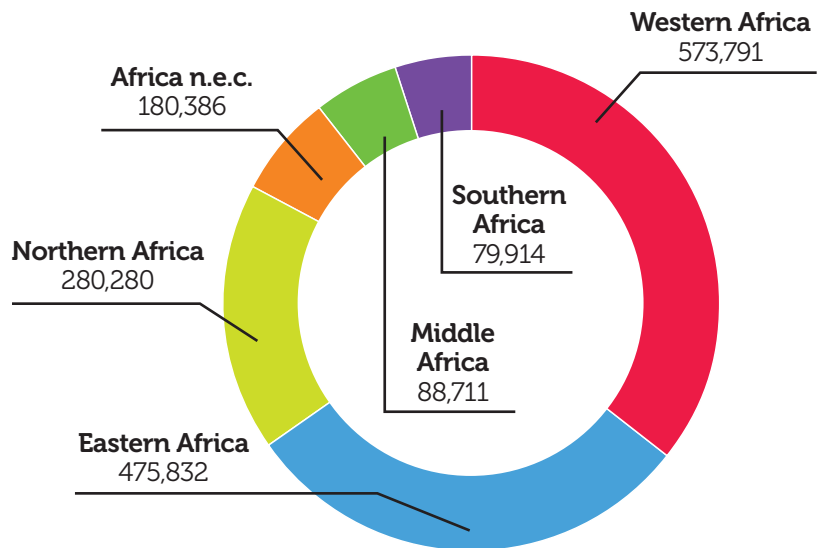
Source: 2010 Amercian Community Survey, Table B05006: "Place of Birth for the Foreign-Born Population in the United States." n.e.c. = "not else-where classified."

Table 4. Countries of birth for the African-born in the US, NY State and NY City, 2009-2013 American Community Survey 5-Year estimates.[42]

Country of Origin	Nationally	New York State	New York City
Nigeria	228,471	25,007	19,592
Ethiopia	177,234	4,870	3,060
Egypt	153,676	21,150	15,689
Ghana	129,383	30,192	24,880
Kenya	101,577	3,958	1,151
South Africa	85,628	5,477	3,031
Liberia	72,627	5,084	3,476
Morocco	60,205	8,913	7,090
Sudan	40,746	1,990	1,169
Cameroon	39,721	1,476	998
Sierra Leone	35,213	4,284	3,875
Cape Verde	33,929	379	191
Eritrea	29,188	1,100	589

For the purpose of this report, the most informative source of data available is not the Census, but rather the *Yearbook of Immigration Statistics,* published by the Department of Homeland Security (DHS). It provides fairly exhaustive figures on green card recipients, naturalizations, and deportations (removals) by country of origin. The DHS data on African legal immigration over the past 10 years is presented in the table below.

Table 5. African green card recipients, by country of origin, 2004-13 (DHS)

Country of origin	Former colonial power	Official / main language	Population (mln.)	No. of green card recipients, 2004-13
Ethiopia	None (occupied by Italy in 1936-41)	Amharic	96.6	131,874
Nigeria	UK	English	177.2	126,221
Egypt	UK	Arabic	86.9	86,788
Ghana	UK	English	25.8	82,485
Kenya	UK	English/Kiswahili	45.0	71,718
Somalia	UK/Italy	Somali, Arabic	10.4	67,583
Liberia	None	English	4.1	49,891
Morocco	France/Spain	Arabic, French	33.0	44,277
Sudan	UK	Arabic, English	35.5	33,492
Cameroon	France/UK	English, French	23.1	32,950
South Africa	UK	11 official languages, incl. English	48.4	30,806
Sierra Leone	UK	English	5.7	22,715
Cape (Cabo) Verde	Portugal	Portuguese	0.5	17,055
Congo, Democratic Republic	France	French	77.4	16,376
Togo	France	French	7.4	16,272
Eritrea	None (split from Ethiopia)	Tigrinya, Arabic, English	6.4	15,882
Cote d'Ivoire	France	French	22.8	14,829
Guinea	France	French	11.5	12,608
Tanzania	UK	Swahili, English	49.6	12,598
Senegal	France	French	13.6	12,410
Algeria	France	Arabic, French	38.8	12,057
Congo, Republic	France	French	4.7	11,678
Uganda	UK	English	35.9	11,625
Zimbabwe	UK	English+15 other languages	13.8	9,721
Gambia	UK	English	1.9	8,451
Zambia	UK	English	14.6	5,851
Mali	France	French	16.5	4,917
Mauritania	France	Arabic	3.5	4,909

Overall, slightly over 40 percent of African immigrants over the past 10 years have come from countries that used to be British colonies and use English as their official language. Thus, the share of immigrants from English-speaking countries in the total African immigrant population is only slightly larger than the share of English-speaking countries in the total population of Africa. However, there are some notable outliers – countries with a disproportionate share of immigrants in the US to their own population. At one extreme is the English-speaking, Atlantic-facing Liberia, a country founded by free American Blacks and benefiting from a special connection to the US throughout its history. With a population of just 4 million, it has been

Table 5. African green card recipients, by country of origin, 2004-13 (DHS) (continued)

Country of origin	Former colonial power	Official / main language	Population (mln.)	No. of green card recipients, 2004-13
Burundi	France	French, Kirundi	10.4	4,852
Rwanda	France	Kinyarwanda/Bantu, French, English	12.3	4,769
Tunisia	France	Arabic	10.9	4,430
Benin	France	French	10.2	3,334
Burkina Faso	France	French	18.4	3,297
Libya	UK/France	Arabic	6.2	2,849
Angola	Portugal	Portuguese	19.1	1,786
Malawi	UK	English	17.4	1,403
Gabon	France	French	1.7	1,215
Niger	France	French	17.5	96
Chad	France	French, Arabic	11.4	956
Central African Republic	France	French	5.3	903
Mauritius	UK	Creole, English	1.3	898
Madagascar	France	French, Malagasy	23.2	724
Mozambique	Portugal	Portuguese	24.7	687
Botswana	UK	English	2.2	561
Namibia	Germany, then South Africa	English, Afrikaans	2.2	534
Djibouti	France	French, Arabic	0.8	526
Guinea-Bissau	Portugal	Portuguese	1.7	267
Swaziland	UK	English, Siswati	1.4	195
Lesotho	UK	English	1.9	173
Equatorial Guinea	Spain	Spanish, French	0.7	151
Seychelles	UK	Seychellois Creole, English, French	0.09	125
Sao Tome & Principe	Portugal	Portuguese	0.2	85
South Sudan	UK/Egyptian Sudan, split from Sudan	English	11.6	76
Comoros	France	Arabic, French	0.8	45
Total			1,100	1,003,848

the seventh-largest source of African immigrants: over the past 10 years, nearly 50 thousand Liberians, i.e. more than one in every hundred, have obtained a US green card. At the other end of the spectrum is the Portuguese-speaking Mozambique, a country on the shores of the Indian Ocean and that was in the Soviet sphere of influence during the Cold War. With a population of 25 million, it provided less than 700 immigrants to the US over the past decade – roughly one in every 50,000 of its people. (Not surprisingly, African countries with the largest numbers of immigrants to the US have been those that have enjoyed the closest relations with the United States, both during and after the Cold War.)

Similarly, African immigrants belong to a wide range of religious denominations. African Muslims (which constitute, according to one estimate, 45 percent of the continent's population) had 175 mosques in New York City as of 2010[44] and are coordinated by such established institutions as the Council of African Imams led by Imam Souleimane Konate, a native of Ivory Coast and the spiritual head of a 1,200-congregant strong Masjid Aqsa mosque in Harlem.[45] (African Muslims have recently gained some representation at NYC Mayor's Office, with Mayor De Blasio's appointment of Imam Konate to the Mayor's Clergy Advisory Council.) Meanwhile, African Christians range from Pentecostalists (including The Redeemed Christian Church of God, founded in Nigeria and currently having dozens of parishes across New York City and State[46]) to Presbyterians (popular among Ghanaians) to the Ethiopian and Coptic orthodox churches. Already in 2004, *The New York Times* wrote that "an explosion of African immigrant churches in the past 15 years has helped reshape religious worship in the city," citing the view of sociologist of religion Tony Carnes that "the African churches are bringing new vitality and new ways of doing things to African-American and other churches."[47] And, as noted by Ira Berlin, the Roman Catholic diocese in New York has added masses in the African languages of Ashanti and Fante.[48] African-born Jews are also an important presence – ranging from white natives of South Africa (which include such important community figures as Rabbi Mordechai Suchard, the founder of the Gateways organization) to black Ethiopian Jews (also known as Beta Israel), whose population estimates in New York City are between 300 and 1,000; while recognized as fully Jewish by official Jewish institutions in the US and in Israel, they still often experience racial discrimination on the part of the Ashkenazi establishment.[49]

One feature that all of these diverse African religious traditions seem to have in common is their marked differences from 'mainstream,' established strands of either Christianity, Judaism, or Islam – their ethnic distinctiveness often rooted in the polytheistic traditions of the African continent that predated the arrival of either one of the three 'world religions'.[50]

Coptic (Egyptian) Church in Astoria. Source – Wikimedia Commons

III. Racial identities of African immigrants

Further, in understanding the needs of African immigrants, it is important to be aware of their *racial diversity.* While it is often assumed that all African immigrants are Black, in fact, American Community Survey shows that **more than a quarter – 26 percent – of Africans in the US do not identify as Blacks;** in the latest (2013) ACS 5-year estimate, 21 percent of African-born in the US are listed as white, while 5 percent are Asian or some other race. In New York State and City "white" African immigrants are 21 and 19 percent of the total. While some of the African-born whites are in fact descendants of Europeans from South Africa, the overwhelming majority of them are North African Arabs. And they are a larger presence in New York than in other areas where African immigrants live: for example, in both Maryland and the District of Columbia, the share of self-identified Blacks among African immigrants is over 90 percent.

This brings us to the issue of the Arabs' contested racial identity, which is not widely acknowledged and understood in America. In the European system of racial categories – which in most cases defined the attitudes of European colonizers to Africa and its people – Arabs.[51] In the US, however, Arabs' racial identity has been contested for over a hundred years, occasionally even in courts.

Thus, as far back as 1909, Syrian Arabs had to litigate their "whiteness" (as opposed to being "Asian," which, odd as it may sound in our days, was synonymous with "Chinese-Mongolian"), in order to prove their eligibility for US citizenship.[52] As a result of their victory and other decisions that racially 'whitened' both Arabs and Jews, the Office of Management and Budget (OMB) classifies 'white' as **'a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.'** However, what was a victory in the struggle for basic enfranchisement, acquired a different meaning after the passage of the civil rights legislation in the US and the release of OMB's new standardized ethnic and racial classification in 1977, intended to help government fulfill this legislation's mandate. Interestingly, it has been noted that immigrants from North Africa and the Middle East who came to the US after the 1965 Immigration Act have been at once more highly educated than their predecessors, more likely to show their Arab pride (strengthened by the struggle against colonialism), and less likely to value 'whiteness' or define themselves as 'white.'[53]

Since 1980s, under the pressure of such established community organizations as The Arab American Institute, the Census Bureau has included data on 'ancestry,' which at the time was of major importance to all those who wanted to escape the straitjacket of the official racial classification and became the only way to identify Arabs.[54] In 1997, OMB objected to the inclusion of an Arab or Middle Eastern ethnic identity into the Census, citing cost and the length of the resulting questionnaire. In 2003 and 2005, the Census Bureau published two reports in which it provided a definition of Americans of 'Arab ancestry'; this definition included such North African ancestries as Moroccan, Algerian, Tunisian, Egyptian, and Berber, but excluded some of the sub-Saharan Africans who are classified as Arabs by the Arab League and whose representatives (such as immigrants from North Sudan) objected to their exclusion.

In the 1980s, the Arab Community Center for Economic and Social Services (based in Dearborn, MI) explored for the first time the pursuit of an official minority status for Arabs, not only for Census purposes but also to qualify as a minority for Small Business Administration programs, arguing that they were viewed as a community of color; meanwhile, the more powerful and established Arab American Institute was opposed to this pursuit. In subsequent years, the growing number of immigrants from the largely Arab-populated North Africa – both in absolute numbers and as a share of the Arab American population – has been making the

classification of Arab Africans as 'whites' increasingly questionable. In the 2010 Census, some Arab Americans reportedly expressed 'confusion, alienation, even anger' over being lumped into the 'white' category.[55]
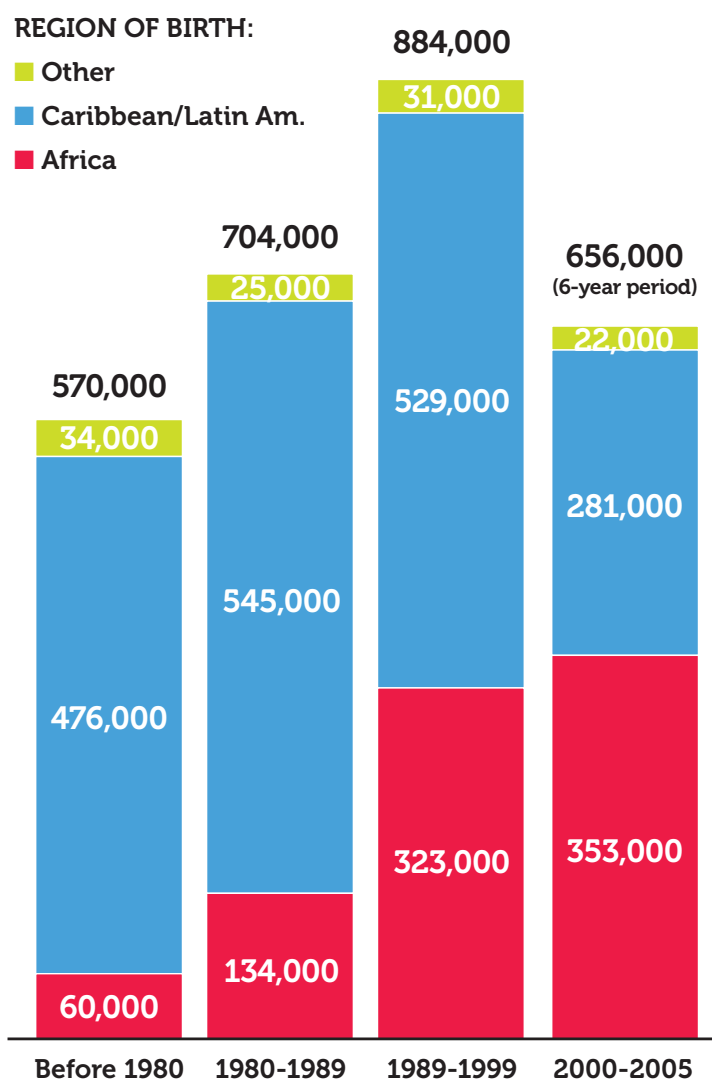
In 2012, the Arab American Anti-Discrimination Committee submitted a petition to "secure a minority status for Arab American business owners that would help them receive assistance from the government." It also launched a campaign to establish a Middle Eastern and North African (MENA) category in the Census. This effort has been stalled by the Census Bureau which claimed that it needs "to do more research and exploration" on the issue; as part of this effort, in October 2012, it established a National Advisory Committee on Racial, Ethnic and Other Populations. But the issue has not been resolved to anyone's satisfaction.

Meanwhile, most of the attention to African immigrants in the media, academia, and among immigration advocates has been justifiably focused on Black Africans (almost all of them from sub-Saharan Africa). Indeed, their influx has been the driving force in the growth of Black immigrant population in America: As reported in a major study released by the Pew Research Center in 2015, "Between 2000 and 2013, the number of black African immigrants living in the U.S. rose 137%, from 574,000 to 1.4 million. Africans now make up 36% of the total foreign-born black population, up from 24% in 2000 and just 7% in 1980."[56]

Many reports indicate that Black African immigrants not infrequently encounter obstacles to their full integration into the African-American community - or simply choose to assert their own, distinctive identity. A manifesto of this distinctiveness has recently been published by Liberian immigrant writer Wayétu Moore, under the title 'How the Africans Became Black':

> "Being considered African-American in this country is still better in most instances than being considered an immigrant," writes Moore. "Much as Irish immigrants benefited from the white racial umbrella, black immigrants are benefiting from a black racial umbrella. They cleave to African-American culture and identity groups and remain silent or unheard in the larger immigration dialogue."[57]

Figure 2. Timing of Entry for Foreign-Born Blacks by Region of Birth, 2005[30]

REGION OF BIRTH:
- Other
- Caribbean/Latin Am.
- Africa

Before 1980	1980-1989	1989-1999	2000-2005
570,000	704,000	884,000	656,000 (6-year period)
Other: 34,000	Other: 25,000	Other: 31,000	Other: 22,000
Caribbean: 476,000	Caribbean: 545,000	Caribbean: 529,000	Caribbean: 281,000
Africa: 60,000	Africa: 134,000	Africa: 323,000	Africa: 353,000

Note: The African-American/black population includes black Hispanics and people who identified as black alone or in combination with another race. These data represent the mid-point of a range of estimates based on the American Community Survey.

Source: Population Reference Bureau analysis of the 2005 American Community Survey.

According to a study on the website of the NYPL's Schomburg Center for Research in Black Culture, "To many [African immigrants], identity as "black" seems reductive and even racist, a negation of culture and origin, which to them are the most important elements of identity. Africans are keenly aware that they encounter racism and discrimination as black people; but they generally reject the imposition of an identity they feel does not reflect entirely who they are."[58]

Last but not the least, any account of African immigrant community should keep in mind the presence of a special ethnic subgroup that serves as a connection between the African and the Caribbean worlds – the Garifuna people. The Garifuna are the descendants of Africans, as well as Carib and Arawak (indigenous Caribbean and South American) peoples who either settled in the Caribbean or were forcibly brought there during the slave trade. Today, according to the Garifuna Coalition, NYC is home to an estimated 200,000 Garifuna immigrants from the Caribbean and Central American countries, most of them residing in the South Bronx, East New York, and Harlem.[59]

IV. African Pathways to Immigration: The Centrality of the Diversity Visas

The Diversity Visa (DV) program mandated by Section 131 of the Immigration Act of 1990[60] has played a significant role in increasing the number of immigrants from underrepresented African countries. The program offers 55,000 permanent resident "green cards" for migration to the US every year, with 5,000 of those going to beneficiaries of the Nicaraguan Adjustment and Central American Relief Act (NACARA).

In FY 2005-2014, the continent of Africa saw an allotment of nearly 47% of the total number of Diversity Visas.[61] Thus, the rate of African immigration via the DV has proven to be rather high when compared against immigration using other visa types. For example, in FY 2013, of all American visas issued overseas, Africans received 448,912[62] [63] visas, representing just 4.65% of the total of 9,637,464[64] visas issued by US consular offices worldwide; however, when it comes to Diversity Visas, Africa's share of them in the same year was as high as 44% of the total Diversity Visas issued. Of the top 10 countries of origin of DV recipients in FY 2005-2014, five were African (see table below). It is important to note, however, that with these five countries taking up 60 percent of the entire African allotment, many of the remaining 49 African countries have not been able to benefit from DV on an equitable basis. These disadvantaged African countries include, for example, the 50-million-people-strong Tanzania, whose residents have received merely 800 US Diversity Visas over the past 10 years.

Notwithstanding the ability of the Diversity Visa program to help more Africans seeking to immigrate to the US, in recent years the Investor Visa Program (EB-5) has gained much traction, to the point where some Members of Congress want to scrap the Diversity Visa program while expanding the Investor Visa program. Thus, in the

Table 6. Immigrant Number Use for Visa Issuances and Adjustments of Status in the Diversity Immigrant Category, Fiscal Years 2004-2015[65]

By Continent	
Africa	212,972
Europe	143,584
Asia	78,866
South & Central America & the Caribbean	13,736
Oceania	6,834
North America	67
Total	456,059

Top 10 countries of origin of DV recipients

Rank	Country	Total
1	Egypt	32,954
2	Ethiopia	31,146
3	Nigeria	28,954
4	Uzbekistan	24,194
5	Ukraine	21,925
6	Nepal	20,912
7	Bangladesh	20,832
8	Ghana	17,265
9	Kenya	17,065
10	Iran	16,283

opinion of Republican House Member Bob Goodlatte, Diversity Visa "gives a green card not based upon having family ties that need to be reunified, not based upon having job skills that are needed in the United States, not even based upon having a high level of education but just based on pure luck."[66]

Representative Goodlatte with 12 other co-sponsors subsequently introduced the SAFE for America Act (H.R 704) in 2011 which would have ended the DV program.[67] In addition to this Act, the Senate Bill S. 744 which passed the Senate with bipartisan support in 2013 and which, if taken up by the House, would have granted a pathway to citizenship for the majority of the 11 million undocumented immigrants in the United States, included Section 2303, titled "Repeal of The Diversity Visa Program," with the provision for its complete elimination.[68] Dominic Tamin, an immigration activist and entrepreneur from New Jersey, expressed the view of many others in the following comment on this issue:

"It is unjust to eliminate the DV lottery … I got involved because I find that it was being eliminated and I said to myself 'we are Africans who came here through the DV lottery, and we are very involved in the society. We are tax payers, as well as creating jobs. Why is it that they want to take away the only option that we have to come here, without the student visa, the only option to come here legally?'"[69]

The bill, however, ultimately failed to pass in the House.

In 1990, Congress passed legislation establishing the Investor Visa Program which offers foreign business persons the opportunity to receive a permanent resident "green" card if they started a business in the United States by investing $500,000 to $1,000,000.[70] The investor must also employ at least 10 persons authorized to work in the US and must offer full employment, meaning a minimum of 35 hours per week of work.

The top countries for EB-5 approvals for FY 2009-2013 were China, South Korea, Taiwan, and the United Kingdom, with 77% of EB-5 investors originating from these countries. The program is capped at 10,000 visas per annum.[71] The actual use, however, has been much lower – fluctuating between 64 EB-5 visas issued in 2003 and 4,218 in 2009.

USCIS and Department of Homeland Security do not publish data on EB-5 recipients by country of origin. There are only selected data available from USCIS – for the year 2010 and for a sample of 295 approved EB-5 applications (I-829 forms) from between 1992 and 2007 obtained from USCIS storage facility for a study commissioned by USCIS from ICF International.[72] These data are presented in the two tables below:

Table 7. EB-5 visa recipients by country of origin in 2010

Country of origin	No. of Visas	% of Total
China – PRC (Mainland) Born	772	41
South Korea	295	16
UK	135	7
China – Taiwan Born	94	5
India	62	3
All Others (presumably less than 3% each)	527	28

Table 8. EB-5 visa recipients by country of origin from ICF International study sample

Origin of EB-5 recipients	% of total
Asia	78
Europe	15
North America	3
Africa	3
South America	1

An indirect indicator of EB-5 distribution by country is the total number of employment-based immigrant visas issued, which includes EB-5 among the five subcategories. In 2013, immigrants from People's Republic of China obtained over 8,000 employment-based green cards, which was 38% of all green cards in this category. Three countries - China, Philippines, and South Korea - together accounted for 14,157, or 67% of all employment-based green cards issued in 2013. For comparison, the largest recipient of employment-based green cards among African countries – Nigeria – received 146 of them in 2013.

Representatives Schock and Gabbard introduced Bill H.R. 4659 which sought to permanently extend the EB-5 program, doing away with the per country caps.[73] **Doing away with country caps for the EB-5 visas while ending the Diversity Visa program would mean that more people from affluent countries and strata of their societies would migrate to the US while fewer African-born would enjoy such an opportunity. The result would be a substantial increase in inequality, which is already widely seen as the biggest scourge of American society and politics.** For these reasons, a number of African advocates and organizations (including African Hope Committee and the Washington, DC-based Cameroon American Council) have argued that the Diversity Visa program should be strengthened, and if possible, expanded to include more persons of African descent, while EB-5 visas should include Africans as well.[74]

In light of all this, many African advocates believed that encouraging and increasing immigration from Africa should have been included in the African Leaders Summit held in August 2014 by the White House. This, however, became a missed opportunity.

V. Temporary Protected Status

Nationals of several African countries in the US have been able to stay in the country due to Temporary Protected Status – a designation of a country (currently made by the US Secretary for Homeland Security) due to temporary condition (such as an ongoing armed conflict, an environmental disaster or an epidemic) which prevents its nationals from returning safely home from the US. While TPS does not lead to a green card, it protects individuals from the risk of being deported and gives extra time to those who aspire to get a permanent status by qualifying for another visa. There are currently 11 countries on the TPS list, six of which are in Africa: Guinea, Liberia, Sierra Leone (all 3 designated as TPS in connection with Ebola, for the period ending in May 2016); Sudan and South Sudan (TPS also expiring in May 2016); and Somalia (TPS expiring in September 2015).

Liberians, who were previously under TPS due to the civil war that raged in Liberia since 1989, have been of particular concern to immigration advocates, partly due to a relatively large number of Liberian immigrants across the country. Many of those who lost their TPS were since granted the Deferred Enforced Departure (DED) status. Since 1999, Rep. Patrick Kennedy (D-RI) and Sen. John "Jack" Reed (D-RI) have introduced in every successive Congress (1999, 2001, 2003, 2005, 2007, 2009) a bill to allow Liberians under TPS to adjust their status to permanent residency. In Minnesota, where the number of Liberian immigrants is estimated at 30,000, they have enjoyed the support of Rep. Keith Ellison. While working to get an extension of DED for Liberians in 2007 and 2009, in 2011 and 2013 Ellison also picked up from where Patrick Kennedy left upon his retirement, by re-introducing the Liberian Refugee Immigration Fairness Act. The bill currently has six co-sponsors in the Senate and four in the House.

VI. Health Issues: The Ebola Scare

While this particular report is not intended to address the issues of African immigrants' access to health care in all their complexity, the most salient of them – the Ebola crisis – underscores the need for special attention to African immigrant concerns on the part of government agencies and philanthropies. The Ebola virus, that first hit remote villages in 1976 in Sudan and the Democratic Republic of Congo (at the time Zaire), and has an average of 50 percent fatality rate, broke out with particular severity in 2014 in West Africa. In August 2014, the Director-General of the World Health Organization (WHO) declared it a Public Health Emergency of International Concern. But, contrary to widespread perceptions, almost all known cases of Ebola and the only active transmission of this disease have been limited to just three West African countries - Sierra Leone, Liberia, and Guinea. As of February 2015, the total number of cases in these three countries amounted to 22,700, with 9,000 dead.[75] In the US – one of three Western countries affected so far – four cases have been registered, and one patient – a traveler from Liberia – died in the Dallas Hospital.[76]

Predictably, the virus has raised public concerns in the areas of settlement of African immigrants, including Minneapolis, Philadelphia, and Providence, RI – but also New York City, where the number of West Africa natives is estimated at over 71,000 (over half of them concentrated in the Bronx).[77] Travel to and from the affected countries was widely seen as risky - which is bound to have an impact on their citizens' opportunity to emigrate to any country, including the U.S.[78] At one point, NY State Governor Andrew Cuomo spoke in support of a flight ban to and from the affected countries. In some areas, the virus also stirred the dormant anti-immigrant and xenophobic sentiment: in October 2014, CNN reported the instances of beating and bullying of children of African origin in the Bronx, even though they were US-born and returned from a trip to Senegal which was declared Ebola-free by WHO.[79] (This wasn't a new phenomenon – similar stigmatization was experienced by some Asian immigrants in the US during the outbreak of the SARS epidemic in 2003.) There were also reports of West African restaurant owners in the US losing business as a result of the stigma, and even West African students being denied admission to US colleges. In response, the New York Immigration Coalition, along with African Communities Together and Black Alliance for Just Immigration, had to issue a statement saying it was "alarmed by reports of harassment and hate crimes directed at members of West African communities."[80]

In December 2014, the US Department of Justice's Civil Rights Division published "Non-Discrimination Principles to Guide Federal, State, and Local Governments' Response to the Ebola Virus." Principle number 1 was to ensure *"that there is no bullying, harassment or other unlawful discrimination directed at people who are or are perceived to be from an African country, of African descent or against people who have the Ebola virus or are perceived as having the virus"* (emphasis in the original). DoJ stressed that "the Ebola virus may affect people of different races, ethnicities, nationalities, immigration statuses and disability statuses." Another principle was to provide information in languages other than English; the document stated specifically that "messages directed at the residents in states and localities should be provided in the languages spoken by people with limited English proficiency in those areas."[81]

The Centers for Disease Control and Prevention (CDC) of the U.S. Department for Health and Human Services set up a bi-monthly call series on Ebola with African immigrant community members. The recordings and transcripts of these conference calls have been posted on CDC website. CDC also issued a special guidance on Ebola for school administrators, which notes that there have been "no cases of Ebola transmission in the

United States in schools or community settings". The document makes clear that educators should "prevent discrimination, and counter stigma, harassment, and bullying related to perception of Ebola risk" and "should not take on the role and responsibilities of local public health authorities". [82]

On May 9, 2015, the World Health Organization officially announced the end of the Ebola outbreak in Liberia. As a result, CDC lifted its prior recommendation for Americans to avoid nonessential travel to Liberia.

VII. Language Barriers

Immigrants who retain their native languages often face communication barriers when interacting with service providers and government agencies, leading to complications and misunderstanding. Service providers, educators, health care professionals and other human resources personnel must understand the sensitivity of the language barrier for the African immigrants whom they serve.[83] At the local and state levels, politicians must realize that African immigrants, just like Latino or Chinese immigrants, speak languages other than English, and their policies should address the language barriers that exist between these immigrants and government or government-funded agencies. Nearly one in three African-born in the United States does not speak English very well, as can be seen from the chart below.[84]

Figure 5. African Foreign-Born Population (Age 5 and Older) by English-Language Proficiency, 2010
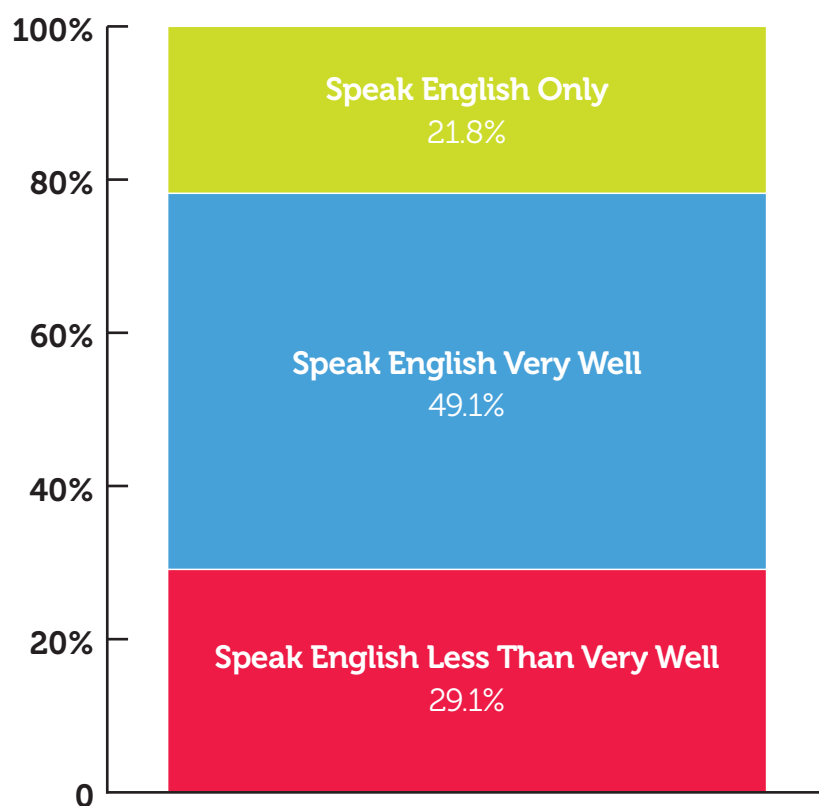
Source: 2010 Amercian Community Survey, Table S0201: "Selected Population Profile in the United States."

African immigrants in New York City speak a variety of native languages, which have not been captured well by publicly available Census data. Thus, the 2000 Census – the last one to provide a breakdown of speakers by several African languages – lumped three of them (Kru, Ibo and Yoruba, spoken by people from such different countries as Liberia and Nigeria) into a single group, which makes it impossible to find out which of the African languages is the most widely spoken.[85] Also, some African immigrants speak Amharic, Bantu, French, Mande, Twi, Swahili and Somali.[86] Since 2000, however, American Community Survey has included but one line for all 'African languages' in its publicly available data.

Overall in New York, 17% of voters are immigrants, and many of them do not speak English.[87] This language barrier results in complications at the polls because there is often no interpreter present to assist voters to cast their ballot. To address some of the complications that r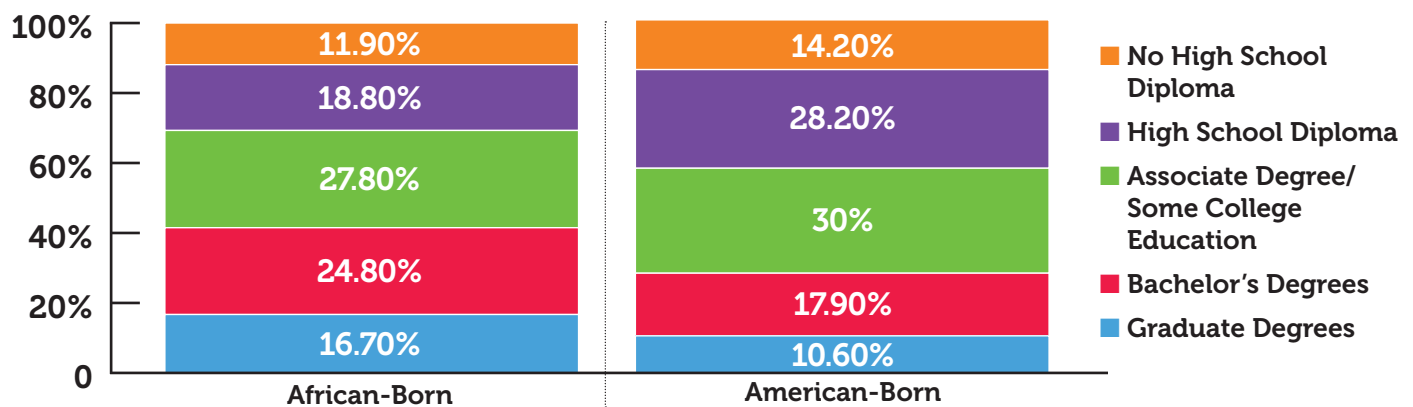esult from the lack of language access, in 2014 the New York Immigration Coalition's Immigrants Vote! campaign published a voter rights card for immigrants in New York State. The card was available in 6 foreign languages (including French, the official language of 21 out of 54 African countries) and provided information about voter rights and legal protections for the 2014 midterm elections.[88]

VIII. Overqualified, Underpaid

African immigrants are among the highest educated immigrant group in the United States. Yet, despite their academic qualifications and achievements, too many of these immigrants remain underemployed and underpaid. In 2012, amongst the 1.25 million African-born adults aged 25 and older living in the U.S., 24.8% had a bachelor's degree, with an additional 16.7% possessing graduate or professional degrees. However, for immigrants at large, only 16.2% and 11.4% have bachelors and graduate degrees respectively, while 17.8% and 10.6% respectively hold these degrees among American-born residents.[89]

Figure 6. Educational Attainment of African Foreign-born and Total US Population 2012

	African-Born	American-Born
No High School Diploma	11.90%	14.20%
High School Diploma	18.80%	28.20%
Associate Degree/Some College Education	27.80%	30%
Bachelor's Degrees	24.80%	17.90%
Graduate Degrees	16.70%	10.60%

Source: 2012 American Community Survey 5-year Estimates, Table S0504, "Selected Characteristics of the Foreign-Born Population by Region of Birth: Africa, Northern America, and Oceania"; Table DP02: "Selected Social Characteristics in the United States."

In terms of comparable education rates, American Community Survey shows that African immigrants' education rates are the closest to those of Asian immigrants, of whom 28.2% possess a bachelor's degree and 20.8% possess a graduate or professional degree.

When taken together, African immigrants represent one of the most educated sets of migrants ever to enter the United States. However, a careful analysis of these academic qualification statistics shows that immigrants from different African countries have vastly different levels of education.

Table 10. African native's number of years of education, by country of origin

Birthplace*	Up to 8th	9th – 12th	1-3 years college	> 4 years college	1 or more college
Nigeria	2.3	15.7	20.4	61.6	82
Africa, ns/nec	7.9	34.8	26.1	31.2	57.3
Ethiopia	6.6	38.6	27	27.8	54.8
Ghana	3.5	35	26.5	35	61.5
Kenya	2.6	20	30.5	47	77.5
South Africa	0.9	20.3	21.1	57.7	78.8
Somalia	30.9	41.3	16.7	11.1	27.8
Liberia	7.6	30.9	32.6	28.9	61.5
West Africa, ns	11.1	30.8	24.4	33.7	58.1
Sudan	11	34.7	22.9	31.4	54.3

Over 45% of immigrants 25 years and older from Nigeria, Kenya & South Africa have four or more years of college, in contrast to fewer than 30% of those from Ethiopia, Somalia & Liberia.

Notwithstanding their high academic achievements, African immigrants face discrimination in employment as well as in pay, earning lower wages than their counterparts who have similar degrees. In 2007, the median income for Black African immigrants was $27,000, while the median income for US-born workers was around $33,000.[90] This is a considerable disparity, especially when the educational achievements and English proficiency of African immigrants are factored in. Rashida Bright, African-born social entrepreneur and community organizer, attributes African immigrants' low wages to several factors (some of them specific to Africans, while others shared with immigrants from other continents):

"African immigrants are always told that they have an "accent." This "accent" gives employers the liberty to underpay the immigrant. So, although they come to the US with high academic qualifications, many immigrants take a lesser pay than what they should be given. Another reason they underpay the immigrants is because US employers always prefer US credentials. They expect these immigrants to go back to school, which costs money. The immigrants cannot go back to school because of other financial obligations and thus they are left stuck in low paying jobs. Also, lack of networking skills causes many Africans to stay in low paying jobs. They need to network and use those networks to move up the ladder.

In 2009, 33% of recent African immigrants (those residing less than 10 years), though skilled, worked in unskilled jobs.[91] A significant number of them work in the taxi cab industry. (In a set of interviews with TBI,

several African-born taxi drivers in New York explained that this occupation gives them the flexibility essential for those who have to stay in the US without their families due to visa complications and view their presence here as temporary, always ready to go back home once they have saved a sum of money that may be negligible by US standards but very substantial for their native country.) However, the percentage of African immigrants employed in unskilled labor dropped to 22% after they have resided in the US for over 10 years.[92]

As noted by Rashida Bright, "prospective immigrants, while still in their native countries, are excited to have the opportunity to migrate to the USA, especially when they calculate the exchange rate for the US dollar against their national currency. Initially, they are happy when they estimate the amount of money that they can potentially make. But that happiness is short-lived when they come to the realization that the cost of living in the USA is very high. For example, the amount that these immigrants make cannot compensate for rent, food and clothing.

And there are no relatives to fall back on like in their home countries. But it's too late to turn back because they have sold everything before moving to the US."

Another reason for the underemployment of African immigrants is the problem of credentialing.[93] Although these immigrants may have academic qualifications from institutions in their home countries, US employers typically do not recognize these credentials, or simply take advantage of their foreign origin to drive down the cost of African immigrant labor.

IX. Case Studies: African Drivers in New York

As we mentioned earlier, a significant number of African immigrants in New York work in the taxi cab industry. The Black Institute interviewed several of them about the various aspects of their immigrant experience. Below we present some of the material from these interviews that give a vivid picture of African immigrant lives and the barriers they face in their integration into American society.

One of the interviewed drivers, Abubakari, a native of Ghana in his late 30s, currently living in the Bronx, has been in the U.S. for the past 11 years. Before moving into cab driving, he was a store department manager. The reason to switch jobs was his decision to go to school, which required a more flexible work schedule. Obtaining a student loan without a permanent immigrant status is virtually impossible; this makes working while studying a must, and cab driving is just the kind of work that provides sufficient time for studies. In his opinion, this flexibility is one of the key reasons for many African immigrants to go into cab driving – which may be related to family, education, or religion. Cab drivers essentially have a self-employed work schedule, which gives them more time to attend to family needs, including traveling to their home country in case of a relative's illness or death. Given the centrality of family in the African tradition, this is hugely important for many Africans, especially those who have not yet been able to get visas for their relatives to bring them into the country (a process which, Abubakari acknowledged, made him "frustrated too much…"; it was so confusing that I didn't know who to talk to"). Likewise, this flexibility gives those religiously observant more time required to perform their religious rites, which is often not possible in a typical full-time job.

What happens to African drivers once they get their families settled in the new country? Do they leave the taxi cab business? According to Abubakari, it is often difficult for them to switch from this occupation, so many remain stuck in the industry. However, for some self-employed taxi drivers who are able to save money, this work becomes a stepping stone to owning a business.

Another interviewee, Mohammed Muda from Ghana, has lived in the U.S. for eight years – first six of them in Long Island before moving to the Bronx. He estimates that in his current area, about 60 percent of the population are Ghanaians, and most of them are recent immigrants. Now in his late 20s, he used to work as bookkeeper for six and a half years before switching to taxi driving two and a half years ago. He also chose this job because of its flexibility, as he wanted to get an American education. In Ghana, he had earned a bachelor's degree in accounting, but could not use it in the United States, because his degree would not be recognized here. However, he has not been studying, as he could not afford a loan for another four years; besides, he would not have taken out a loan with interest on account of his religion. He would prefer to be able to go through a shorter and cheaper training program, in the range of $5,000, that would provide him with a certificate recognized by American employers, or to be able to get a grant to pay for his education. As Abubakari, Mohammed also spoke of the fear of dealing with the police, even in such situations as when his friend's car was stolen.

Drivers interviewed for this report complained about the many economic difficulties faced by African immigrants, who often do not earn enough to pay their rents or be able to send remittances to family in their native countries. The lack of a legal status is also a major obstacle; thus, when Abubakari's sister came from Ghana and got into a conflict, they were afraid to call the police, as they did not have an ID. In Abubakari's words, in conflict situations "we try to take care of things ourselves because we do not want to mess up our record." Likewise, African cab drivers do not have a positive experience dealing with the police on the road and have no

trust in them; Abubakari believes that the police will often try to get an immigrant's driving license suspended just to fill their quotas. In sum, there's hardly any agency African immigrants would trust calling in case of an emergency, given their precarious immigration status or lack thereof. Relations with African-Americans are also complicated: according to Mohammed Muda, "there is some animosity among us…"

Religion is one important element of unity among immigrants from the continent; it even transcends the boundaries of race. "I am always with my [co-religionists]," says Mohammed Muda, "it doesn't matter if they are black, white, from Ghana, from Nigeria, - we all come together at the same time, pray five time a day, use the same water, use the same place for our prayer…"

When asked about political activities, African drivers sound skeptical. According to Mohammed, most of his African immigrant acquaintances – about 60 percent – are permanent residents; but many of them do not care much about American politics, and even those with US citizenship do not vote. In his assessment, 90 percent of Africans see their primary goal as raising enough money to go back to Africa: "if you have even $10,000 in Africa, you could do something with it." Even the lure of an American education is not as strong today as it used to be: even with accounting and other similar degrees, Africans have to compete for jobs with the whites. Says Mohammed: "I ask myself: how many Black people are on Wall Street? May be 2 or 3 out of 100. So what is the guarantee that I will be there? … As far as intelligence goes, many of us are smarter than the white people, but we have less opportunities."

A third interviewee, Gerald Hekuna, in his late 40s, married with a daughter, has lived in the U.S. since 1980s – initially in Queens, but most of the time in the Bronx. After earning his American degree, he juggled two part-time jobs - in currency exchange for a Chinese-run financial investment company, and simultaneously for Home Depot; after the investment firm went under, he started an import-export business for car and car parts into and out of Nigeria. But this didn't work out and he became a cab driver. In his spare time, he loves to go back and forth to Nigeria.

Gerald is not enthused about his current job: "When people ask me if they should do this job, I tell them no. It's the worst job you'll ever do. If you don't know it yourself, you'll be stuck with it. … Very few of us (Nigerians) are driving cabs. A whole lot of people now work for the city—as police officers and all that. … But there are very few Nigerians that I know who are driving cabs, except for the few of them who don't have degrees or qualifications to get a higher paying job." The only reason he sticks to taxi driving is, again, flexibility, which enables him to travel home to Nigeria as much as he wants.

X. The Underfunding of Immigrant Community Organizations

One important measure of immigrant integration and achievement in the US is the amount of resources available to nonprofit organizations serving a particular community, in this case, African immigrants. It is also a litmus test of the community's civic engagement. In general, minority-managed nonprofits often do not receive as much funding as nonprofits managed by whites, or nonprofits whose organizations are less racially diverse. Thus, the Greenlining Institute found that in New York City in 2005, only 8.6% of grants and 8.0% of grant money went to organizations led by Asians, Latinos, Native Americans and Blacks.[94] And the lack of funds and resources, in turn, greatly affect the types and number of services that these organizations offer.

For example, the Fund for New Citizens provides funding for nonprofit organizations in New York City. The Fund provided $17 million in grants to 28 advocacy organizations, but while several Asian and several Latino advocacy groups were given grants, only one entity that serves African interests received grant money from the Fund.[95]

Eritrean Community Center of Greater New York.
Source – Wikimedia Commons. (The Eritrean Community Center, that had a building on 609 W. 125th Street since the 1980s, was de facto evicted by Columbia University in the course of its expansion into West Harlem in 2009.[96] The Draft Environmental Impact Statement on Columbia's Manhattanville expansion, issued in 2007 by NYC Department of City Planning, opined that "the displacement ... of the Eritrean Community Center ... would not be considered significant because the facilities can be relocated."[97] However, as of today, ECC has no other facility. According to YPFDJ-NY, an Eritrean diaspora association, "in New York, the lack of a community center was a huge obstacle for us."[98])

One reason for the lack of funding for minority-managed nonprofits is the lack of minority community leadership participation at the policy-making tables of donor organizations.[99] The Rockefeller Philanthropy Advisors reviewed data from the Council on Foundations and found that people of color were significantly underrepresented among the board members and CEOs of New York City-based foundations for which data were available.[100]

The underfunding of African immigrant organizations and the resulting insufficient capacity, as well as potential discrimination are indirectly evidenced by the low representation of these nonprofits in larger umbrella organizations. Thus, in the New York Immigration Coalition, which boasts "nearly 200 member organizations, helps foster immigrant community leadership and civic engagement, and puts immigrants at the table in the major public policy debates of the day," there are only three African members (African Communities Together, African Hope, and African Services Committee).[101] Similarly, in the Nonprofit Coordinating Committee of NY, "representing and serving some 1,500 member nonprofit 501(c)(3) organizations throughout New York City, Long Island and Westchester ... on sector-wide issues" which "informs and connects nonprofit leaders, saves nonprofits money, helps them manage and govern themselves better, and protects and strengthens the nonprofit community's relations with government," there are also only three member organizations related to Africa or African communities (African Services Committee, Education and Literacy Fund for Africa, and NY African Chorus Ensemble).[102]

In order for African immigrant-led nonprofits to increase funding for projects and services, they need to be at the table. Foundations normally hire consultants who generate reports on diversity that the public rarely sees; instead, foundations could use nonprofits that serve communities of color to report on these issues for less money, while

saving on the consultant fees and benefiting the community.[103]

As regards NYC City Council discretionary funding, data on the 2010-2015 city awards (presented in the table below) indicate that the overall support for African immigrant nonprofits has been rising, albeit slowly, and saw a considerable increase in FY2015 in particular. Yet, at the same time, the pool of beneficiaries has been shrinking – from 18 organizations in 2012 to 12 in 2015, with larger amounts going to established organizations at the expense of the smaller ones, which may result in higher inequality across different segments of African immigrant community.

New York City Council Discretionary Funding for African Immigrant Nonprofits

City Agency	Organization	2010	2011	2012	2013	2014	2015
DYCD/MOCJ/ CJC/IOI	Sauti Yetu Center for African Women (and Families, LLC)	15,000	$15,000	$33,500	$28,500	$101,125	$165,000
DHMH/DYCD	African Services Committee	$97,458	$89,557	$68,938	$104,620	$110,288	$73,785
DYCD	African Refuge	–	$5,000	$5,000	$6,000	$6,000	$60,000
DYCD/DOE	African Diaspora Film Festival	$4,000	$5,000	$3,500	$4,000	$4,000	$4,000
DYCD	Board for the Education of People of African Ancestry	$13,500	$14,000	$15,000	–	$13,000	–
DYCD	African Hope Committee	–	$9,500	$3,500	$8,500	$8,500	–
DYCD	African Center for Community Empowerment	$15,000	$20,000	$20,000	–	–	–
DYCD	Telem Center for the African Child	–	–	–	$3,500	–	–
DYCD	League for the Enhancement of All African's Future	$4,500	–	–	–	–	–
DCA	Museum of Contemporary African Diasporian Arts	$90,000	$57,375	$83,000	$91,500	$49,000	$64,700
DCA	Museum of Contemporary African Diaspora Institute	–	–	$20,00	–	–	–
DCA/DYCD	International African Arts Festival	$25,000	$25,000	$23,000	$15,375	–	$39,700
DCA	African Voices Communications, Inc.	$5,000	$4,000	$3,500	$3,611	$8,500	$11,000
DCA/DYCD	New York African Chorus Ensemble	–	–	$3,500	$10,000	$10,000	$7,500
DCA	Museum for African Art	–	–	$23,500	$11,500	$10,000	–
DCA	African Cultural Center	–	–	–	$5,000	–	–
DYCD	Gambian Society in New York	$25,000	$25,000	$28,500	$37,000	$32,000	$10,000
DYCD	Gambian Youths Organization	–	–	$3,500	$5,000	–	–
DYCD	United States Sierra Leonean Assoc.	–	–	–	$3,500	$3,500	$5,000
DYCD	Liberian Cultural Center	$10,000	$5,000	$5,000	$5,000	$5,000	$5,000
DYCD	Staten Island Liberian Comm. Assoc.	$10,000	–	–	$5,000	–	$2,000
DYCD	Nigerian-American Comm. Assoc.	$7,000	$6,500	$3,500	$3,500	–	–
DYCD	Assoc. des Senegalais d'Amerique	$5,000	$4,000	$4,000	–	–	–
Total	–		$326,458	$284,932	$350,438	$351,106	$360,913	$447,685

Taxation Without Representation: The Lack of African Immigrants in Public Service

For many years, the voices of African immigrants in New York City and across America have been virtually silent. Although they constitute 4.2% of the foreign-born population, African immigrants are grossly underrepresented both socially and politically within New York City.

Commenting on this lack of adequate representation of Africans in the public sector, Sidique Wai (President and National Spokesman of United African Congress and himself an immigrant from Sierra Leone, who served as senior administrative staff analyst/advisor for the NYPD under the Bloomberg Administration and later ran for several offices, including NYC Public Advocate in 2013) says:

"In this city, there is zero African representation in the city council; zero in the state senate; zero in the state assembly; zero at the federal level… This is taxation without representation. We have to change that… My children were born here. My family is here. I have a stake in this country. I just want a fair share."

As mentioned earlier, at least a part of this problem is due to barriers in language access faced by African immigrant voters from Francophone and other non-English-speaking countries. However, ensuring equitable language access is necessary but clearly not sufficient for making African immigrants' participation in the democratic process truly effective. There are simply too few of them who have US citizenship and therefore are eligible to vote: about two thirds are not US citizens. While a number of countries allows non-citizens to vote in local elections, and the US also practiced it in the past, today's prohibition on non-citizen voting in any elections in New York precludes immigrant communities from being represented in elected offices in accordance with their numbers
.
Given immigrants' widely acknowledged contribution to US economy, including its tax revenues, this situation indeed amounts to "taxation without representation" – affecting all immigrant communities, but some of them more so than others. Thus, the 2000 Census showed that Africans in New York had fewer US citizens among them than almost all other immigrant groups (except for Asians): 34% of African immigrants were citizens, while 66% were not. This amounted to over 60,000 people (according to the Census' admittedly incomplete data); given the rate of growth of African immigrant population in the city, the number of non-citizens from Africa today should be estimated at between 80,000 and 100,000. Were they all eligible to vote in local elections, this would have increased the African community voting power in the city to over 150,000 – with sizable pockets of African immigrant voters in the Bronx, Staten Island, and Harlem. This would have offered them a better chance to get one of their own elected in such contests as in 2013 in the 16th City Council District in the Bronx.

A major attempt to address this obstacle for all non-citizens in New York was made by Councilmember Daniel Dromm who introduced a bill to allow immigrants lawfully present in New York City to vote in municipal elections. After a number of years of advocacy for this bill by a handful of individuals, there is now a broad-based citywide coalition in its support – The NY Coalition to Expand Voting Rights (NY CEVR).

Best Municipal and State-Level Practices

Several municipal and local governments across the United States have developed their own institutional solutions to address the need for a better political integration of African immigrants. While the efficacy and credibility of these institutions across different localities has been uneven, some can be cited as examples of the best practices that New York City and State governments would be wise to take into account. Thus, for example, in **Washington DC,** African immigrants comprise slightly over 18,000 people, or 2 percent of the total population – but a sizeable 17% of all the foreign-born[104]. In 2006, the DC City Council passed Law 16-313 which mandated the creation of the *Mayor's Office on African Affairs* (MOAA) and a *Commission on African Affairs* (COAA).[105] Both entities were created to address the concerns of African migrants residing in the DC area and to act as a liaisons between the African communities and the Mayor's Office.[106]

MOAA exists in order to:

- Serve as an advocate for African persons in the District;
- Review and submit to the Mayor, the Council, and the Office, and make available to the public, an annual report that includes an analysis of the needs of the African community in the District;
- Bring to the attention of the Mayor and MOAA cases of neglect, abuse and incidents of bias against members of the African community in the administration of District and federal laws; and
- Review and comment on proposed District and federal legislation, regulations, policies, and programs and make policy recommendations on issues affecting the health, safety, and welfare of the African community.[107]

MOAA advocates for African immigrants in several areas - including community grants, capacity building, multicultural awareness and development, and outreach and engagement. Since immigrants in DC speak several foreign languages, including Amharic spoken by Ethiopians, the DC Office of Human Rights created an "I Speak" card detailing the foreign language spoken by the holder that immigrants can use when asking for language assistance. MOAA has made a copy of the card available by accessing their website.[108] The office is currently headed by Executive Director Mr. Mamadou Samba, appointed in 2015 by Mayor Muriel Bowser. MOAA Executive Director also coordinates the work of the Commission on African Affairs.

While MOAA provides services to the African immigrant community in DC, the Commission (COAA) advises the Director of the Office on policies and programs, brings pertinent issues to the table, and provides recommendations for action. Both of these entities worked with the DC Mayor's office and the African community to raise awareness of key issues (such as the need for a grant making authority focused on African immigrant needs; DC government health programs and employment services; immigration; the Ebola crisis; etc.) and also to build capacity among African immigrant organizations.

It is worth noting that in terms of language access policies, several core provisions of the Washington DC Language Access Act of 2004 are more inclusive and immigrant-friendly than the corresponding NY City and State regulations. First, government agencies covered by the DC law include "any District government agency, department, or program that furnishes information or renders services, programs, or activities directly to the public or contracts with other entities, either directly or indirectly, to conduct programs, services, or activities."[109] Meanwhile, NYC Mayor Bloomberg's Executive Order 120 of 2008 (NYC EO 120) covers only "City agencies that provide direct public services;" its scope is further limited by the provision that "for agencies that provide services to the public that are not programmatic in nature, such as emergency

services, the provisions of this order shall be implemented to the degree practicable."[110] Likewise, Governor Cuomo's Executive Order 26 of 2011 (NYS EO 26) only covers "Executive State Agencies that provide direct public services."[111]

Further, in the DC law, 'vital documents' whose translation is required by covered agencies are specifically defined as "applications, notices, complaint forms, legal contracts, and outreach materials" including "tax-related educational and outreach materials;" whereas in NYC's EO 120 "essential public documents" subject to translation are defined more vaguely as "those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic City services," and NYS EO 26 refers to "essential public documents such as forms and instructions provided to or completed by program beneficiaries or participants."

A third important difference is that covered agencies in DC are required to collect language data annually and review their language service needs "at least annually," updating their language access plans every 2 years – in order to be able to provide written translations of vital documents "into any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered, by the covered entity in the District of Columbia." In contrast, NY City and State agencies are not required to collect language data or update their language access plans – arguably because the list of languages to be served is defined for them: in NYC EO 120, agencies are required to provide services "in languages based on at least the top six LEP [limited-English proficient] languages spoken by the population of New York City, as those languages are determined by the Department of City Planning, based on United States Census data, and as those languages are relevant to services offered by each agencies;" likewise, NYS EO 26 requires covered agencies to provide translations in "in the six most common non-English languages spoken by individuals with limited-English proficiency in the State of New York, based on United States census data, and relevant to services offered by each of such agencies." At present (according to the Census' admittedly imperfect data), top six non-English languages in both the city and the state are Spanish, Chinese, Russian, French Creole, Italian, and French.[112] This leaves over 1.5 million speakers of other languages in NY State and nearly 1 million in NY City (including over 93,000 speakers of African languages in the State and over 72,000 of them in the City) not covered by some of the most important language access provisions.

Last but not the least, the DC law vests considerable power of oversight in the hands of the Office of Human Rights' Language Access Director (including the power to review and monitor each agency's compliance, investigate complaints and issue written findings of non-compliance). In contrast, NYC has no such central position, while NYS EO 26 gives Deputy Secretary for Civil Rights the much less clearly defined power to "oversee, coordinate and provide guidance to agencies in implementing this Order and ensure that the provision of services by agencies meets acceptable standards of translation or interpretation." As clearly follows from this comparison, DC's Language Access Act of 2004 is more favorable to immigrants than either the NY State or the NYC regulations, and should be used as a model for improving the latter.

Meanwhile, in the State of **Maryland**, the number of African immigrants (estimated at about 127,000 as of 2013) is slightly larger than in New York City. Similar to the situation in DC, this amounts to a little over 2 percent of the entire population, but nearly 16 percent of all immigrants. In 2009, Governor O'Malley issued an executive order establishing the *Governor's Commission on African Affairs* as one of several state level ethnic commissions existing in the Governor of Maryland's office.[113] The Commission exists to "address the

need for State agencies to respond effectively to the needs and concerns of Africans in Maryland."[114] It has 16 members and is chaired by Valentina Ukwuoma. The Commission's website provides links for residents to access useful information on a wide variety of topics including recycling, voting, taxes, nursing homes, jobs and business forms. Also available to non-English speaking immigrants is a Language Access Toolkit for immigrant integration.[115] In addition, **Maryland's Montgomery County** has its own *African Affairs Advisory Group*, consisting of 30 members and four working groups – on economic development, health, education, and culture.[116]

An *African Commission* has also been in existence in the **Mayor's Office in Newark, NJ,** set up under the administration of Cory Booker in the summer of 2007. In 2009, the Commission co-organized of Newark's African Diaspora Celebration, which was launched at the City Hall[117] and has been repeated every year after. Since 2011, the Commission has been chaired by Dosso Kassimou, a native of the Ivory Coast.[118] And in 2013, an *African Caribbean Commission* was set up by ordinance in **Plainfield, NJ,** under the Mayor Sharon Robinson-Briggs, with the mission "to create public awareness of the rich history of Africa and the Caribbean" and also "to ensure that services such as Health, Education, Employment, Legal, Economic Opportunity and Development are available to the African and Caribbean community." However, the Mayor's attempt to appoint commissioners at the very end of her term failed to get the city council's approval.[119]

In **Philadelphia,** the *Mayor's Commission on African and Caribbean Immigrant Affairs* may be the oldest in the country, having been established as far back as in 2005, due to the efforts of City Councilwoman Jannie Blackwell who became one of its Commissioners. In recent years, it has been going through difficult times, due to a scandal involving its former chair who resigned in 2013 after pleading guilty to making illegal campaign contributions.[120]

In **Minnesota,** while there is no office specifically dealing with African immigrants, in 1980 the state legislature set up the *Council on Black Minnesotans* which is heavily invested in African immigrant affairs. The purpose of the Council is "to ensure that people of African heritage fully and effectively participate in and equitably benefit from the political, social, and economic resources, policies and procedures of the State of Minnesota."[121] The Council's 13 members are appointed by the Governor, and must include one "person of ethnic heritage" from West Africa and one from East Africa. The Council's 2014 Annual Report noted that 24 percent of Black Minnesotans – 76,400 people - were foreign-born, also constituting 18 percent of all of Minnesota's immigrants; over a quarter of them are natives of Somalia, with Ethiopians and Liberians following suit with 17 and 16 percent of the total, respectively.[122]

In New York City, some government officials below the mayoral level in the areas of African immigrant settlement have taken the matter in their own hands. Thus, in January 2010, **Bronx Borough President** Ruben Diaz, Jr. formed an *African Advisory Council* (AAC, currently under the presidency of Charles Cooper, Jr.), to "work with the Bronx African community to resolve emerging issues and make recommendations on ways improve the quality of life of this growing and diverse population."[123] And in September 2014, **Manhattan Borough President** Gale Brewer announced that "planning was underway" to form an *African Immigrant Task Force* (spearheaded by her Northern Manhattan office staffer Alassane Diop and Athena Moore[124]) to advise her on the needs of this population.[125] A similar advisory group has been established at the city council district level by Councilmember Vanessa Gibson of the Bronx' 16th District.

African Immigrant Justice Demands for New York City and State

According to Fungai Maboreke, a Zimbabwean-born reporter who covers African immigration and immigration

reform for Sahara TV (an African-focused American news agency):

"In my interviews with the staffers of Senators Chuck Schumer and Robert Menendez and our new Mayor Bill De Blasio, among others, they were all saying: 'Bring the African voice to the table. Organize yourselves.' President Obama said the same thing. And I realized that there was a problem in terms of unity amongst the Africans - because Africa's history has made us a divided continent: for example, there is the Francophone Africa – countries that were colonized by the French, - and then there's the Anglophone Africa. And there is much more to it than just language differences."

Jennifer Gray-Brumskine, a community activist for Liberians in Staten Island and a member of the United African Coalition, also elaborated on this point of inter-African separation:

"Africans come from different 'spheres of influence' – the French sphere, the American sphere, and the British sphere, among others. Thus, you can't just lump all Africans together, but many policy makers do not realize that. And that is a major mistake in dealing with our communities, because our mindsets are quite different from each other, the ways we look at things are different, depending on which sphere of influence we are coming from. To deal with Africans, one needs to know which angle these particular Africans are coming from."

Representing different cultures, speaking different languages and living in different areas makes it understandably difficult, but not entirely impossible, for Africans to coalesce into a single bloc in order to advocate for a better representation in public life, philanthropy etc. Politicians need to be keenly aware of this great diversity present within the African continent, as opposed to thinking of Africa as a unified whole. This essential first step should precede any strategy designed to increase the representation and integration of Africans into U.S society.

In terms of language access, the City should increase funding for English as a Second Language classes for African immigrants. This in turn will lead to increased civic engagement and eventually a mobilization of resources with the resulting increase in political representation. By having basic information available in their native languages, more immigrants will be able to participate more frequently in the political process, leading to better representation in New York City's polititical arena. New York City government and government-funded organizations need to make information available to African immigrants in their native languages, especially in French, as well as, over time, in other less recognized languages.

Based on the material presented in this report, **The Black Institute urges NYC Mayor Bill De Blasio and NY State Governor Andrew Cuomo to seek out qualified African born candidates who could fill several**

positions of prominence within New York City and State governments. The option of creating an African Affairs Office has precedent in local, state and federal government. This option would also include a wider scope of operation relating to various aspects of the daily lives of African immigrants. While this is a good option that would have the strongest impact on African immigrants both for the present and for future generations, it currently does not have the most feasibility and would also take a longer time to implement. Meanwhile, a solution is needed now, hence mayoral and/or gubernatorial appointments would serve best to alleviate the present lack of political representation plaguing the African immigrant community. Given African immigrant diversity, such appointments should also represent a range of national communities.

Since Black African immigrants face many of the same challenges in dealing with law enforcement that are faced by African Americans, mayoral and gubernatorial appointees should have the power to advance fairness for African immigrants in law enforcement and the criminal justice system. Appointees should also work to address the current underemployment of qualified African immigrants. These appointed individuals should work with the African immigrant community to ensure that more of those with high academic qualifications receive jobs commensurate with their experience and education; while there has recently been an increase in the number of organizations and initiatives whose mission is to help highly skilled and educated immigrants to succeed in the US job market (World Education Services' project IMPRINT and Upwardly Global have been the two best known organizations in the field), these efforts have not been sufficiently effective and need additional support at the government level. Those whom the Mayor appoints should also liaise with grant making bodies to ensure that African immigrant organizations receive adequate funding for the services they provide. These appointees should advocate for African representation within these bodies.

Since the NYC Mayor and the NY State Governor could make an appointment almost immediately, and also since this option enjoys favorability, it follows that implementing this option would immediately begin to rectify the problem of underrepresentation of African immigrants. Government authorities should also communicate to the wider public that these appointments are meant to correct the decades-long problem of underrepresentation in the African community. This is particularly so given that the present NYC government is the most diverse in history and includes Latino, Caribbean, Asian, and European-born immigrant professionals at the Commissioners' or Deputy Mayor's level. While Mayor De Blasio's appointment of Shola Olatoya, a US-born housing expert from a Nigerian immigrant family, as head of the city's Housing Authority, was a significant step in this direction and much to be welcomed, African immigrants as such are not yet represented at this level.

AFRICAN IMMIGRANT JUSTICE DEMANDS

Based on the foregoing research and analysis, as well as interviews with African immigrant community leaders, The Black Institute is putting forward the following demands:

For New York City Government:

- Identify and appoint qualified African immigrant candidates to prominent positions in City Government;
- Establish an African Immigrant Affairs Office under NYC Mayor, with grant making authority to support community-based providers of services to African immigrants;
- Pass the bill on immigrant municipal voting (Int. 410, "to amend the New York city charter, in relation to allowing immigrants lawfully present in New York city to vote in municipal elections," sponsored by Councilman Danny Dromm), which would enable non-citizens to vote in local elections, as is already being done in six jurisdictions in the State of Maryland and in the City of Chicago;
- Establish Task Forces on African immigrant affairs by the decisions of Borough Presidents of Staten Island, Brooklyn, and Queens in their respective boroughs, as has already been done in Manhattan and the Bronx;
- Pass a City Law on Language Access, along the lines of the corresponding DC Law of 2004.

For New York State Government:

- Identify and appoint qualified African immigrant candidates to prominent positions in State Government;
- Establish an African Immigrant Affairs Office under the Governor, with grant making authority to support community-based providers of services to African immigrants;
- Pass a State Law on Language Access, along the lines of the corresponding DC Law of 2004.

For Federal Government:

- Reverse the decline in the extent and the quality of the data published online by the Census Bureau as regards immigrant populations, namely by returning to the practices that were discontinued since the 2000 Census (including more detailed data on countries of origin and languages spoken), as well as by formally including members of African and other underrepresented immigrant communities in Census operations in the areas where they reside;
- Maintain and expand the Department of State's Diversity Visa Program;
- Reform our nation's broken immigration system by passing a comprehensive immigration reform bill in the U.S. Congress, providing for legalization and path to citizenship for undocumented immigrants; the bill should incorporate the provisions developed by The Black Institute in its FAIR (Family and Immigrant Reunification Reform) Act.

Appendices

Appendix A. Key stakeholders in the African immigrant community – advocacy and organizing nonprofits

- **African Services Committee** (founded in 1981; based in Harlem) is "a multiservice agency based in Harlem and dedicated to assisting immigrants, refugees and asylees from across the African Diaspora. Our programs address the needs of newcomers affected by war, persecution, poverty, and global health inequalities." Co-Executive Directors - Asfaha Hadera and Kim Nichols. **www.africanservices.org**.

- **Staten Island Liberian Community Association** (SILCA, founded in 1984; current President – Abraham Chea Tucker) "to connect, promote, engage and help all Liberians living in and around Staten Island." **www.facebook.com/pages/Staten-Island-Liberian-Community-Association-SILCA/155773541146676**.

- **Association des Senegalais d'Amerique** (Association of Senegalese of America, ASA, founded in 1988; based in Harlem; President – Papa Ibrahima). **www.asa-website.org/accueil.php#**.

- **The Gambian Society in New York** (founded in 1994; based in the Bronx) "with the mission of helping the Gambian immigrant community in the New York metropolitan area adjust to life in the United States by providing resources and support in health care, education, culture, and economics." **www.gambiansocietynyc.org.**

- **The Gambian Youths Organization** (founded in 2002; based in the Bronx) "to lessen the sense of cultural alienation often experienced by new immigrant youth tossed in the midst of mainstream American culture. To this end, GYO creates healthy avenues for Bronx youths of diverse cultural identities to share and learn from each others' cultural experiences while participating in community service projects, sports and other productive undertakings." **www.thegyo.com**.

- **The Amadou Diallo Foundation** (founded in 2000) "to promote racial healing through activities including programs in schools, that seek to diminish prejudice and racial conflicts and enhance police-community relations". Board Chair – former NYC Mayor David Dinkins, Board President – Kadiatou Diallo (the mother of Amadou Diallo, a Guinean immigrant killed by the NYPD officers in 1999 at the age of 23 at the door to his apartment) **www.amadoudiallo.org/index.htm**

- **African Center for Community Empowerment** (ACCE, founded in 2000; based in Jamaica, Queens) "seeks to provide cutting-edge solutions to the poverty related problems of inner-city youth, their families and communities. The organization also services the immigrant community."Led by Liberian-born Executive Director Saywalah Kesselly. **www.acceusa.org.**

- **African Refuge** (founded in 2003; based in Staten Island) is "a community-based organization which aims to improve the quality of life for marginalized youth, families, senior citizens, immigrants and refugees. We aim to enhance the well being of people who have faced abuse, poverty, desertion, depression and the effects of war." "Our philosophy is grounded in the community resilience principles of … namely to help communities help themselves through community links." Headed by Jacob Massaquoi, Liberian-born Executive Director. **www.africanrefuge.webs.com.**

- **Nigerian-American Community Association** (NACA, founded in 2003; based in Staten Island) is a "non-profit, non-religious, non-ethnic, and non-partisan association, formed with the sole purpose of fostering the well-being of all Nigerians, their friends, families, and well-wishers … determined to change the negative image of Nigerians, and educate the public about the positive and law abiding Nigerians in their communities … also take further steps in acknowledging, appreciating, glorifying, encouraging, and rewarding all positive Nigerians via our annual award and recognition ceremony, which usually take place in October in commemoration of the Nigerian Independence." **www.facebook.com/pages/Nigerian-American-Community-Association-USA-Inc/166623020064212.**

- *African Hope Committee* (founded in 2004; based in Harlem) has the mission "...to serve as a bridge between mainstream service delivery systems and the newly arrived immigrant population, creating partnerships that will advance the mission of the corporation." Executive Director/Founder – Clarisse Mefotso Fall. **www. afriquehope.org.**

- *Sauti Yetu* (meaning 'our voice' in Swahili) *Center for African Women and Families* (founded in 2004, with offices in the Bronx and Staten Island) is "a multi-issue community-based organization that works with African immigrant women and families both in the New York City metropolitan area and nationally ... to mobilize low income or 'no income' African immigrant women to improve the quality of their lives, strengthen their families and develop their communities in the United States, starting in New York City." **www.sautiyetu.org.**

- *African Day Parade and Festival* (founded in 2005) "is the brainchild of young African professionals" that "brings together performing groups representing central, north, south, east and west Africa... It is intended that in the coming years, the Parade will become a forum for participating groups to share history and testimony. A number of the participants ... are actually, Citizens of Africa, the U.S., and the Caribbean community." Founder – Mamadou Kone. **www.africandayparade.org.**

- *Black Alliance for Just Immigration* (BAJI), founded in 2006 in Oakland/SF Bay Area, by South Africa-born Methodist Rev. Kelvin Sauls, " in response to the massive outpouring of opposition of immigrants and their supporters to the repressive immigration bills then under consideration by the U.S. Congress." Its current headquarters are in Brooklyn. BAJI also hosts The Black Immigration Network (BIN) – "a national network of people and organizations serving black immigrant and African American communities who are focused on supporting fair and just immigration, as well as economic and social policies that benefit these communities and all communities of color in order to create a more just and equitable society. Coordinator – Tia Oso. **www.blackalliance.org, www.blackimmigration.net.**

- *United States Sierra Leonean Association* (USSLA, founded in 2006; based in Staten Island) "to serve and promote the diverse needs of African immigrants in general and Sierra Leoneans in particular by providing the following human services: * Social community and counseling services. * Provide empowerment to youth and family support groups and job readiness. * Foster strong brotherhood, social and moral ties within the membership and the community in general." **www.ussla.org.**

- *African Life Center* (founded in 2011; based in the Bronx), "not for profit, non- partisan organization with focus on the general health of Africans living in New York City. The organization is committed to provide health education and referral services to the Africans in the Bronx and other boroughs." Founder – Hajia Ramatu Ahmed. **www.africanlifecenter.org.**

- *African Communities Together* (ACT, founded in 2012; based in the Bronx) "is an organization of African immigrants fighting for civil rights, opportunity, and a better life for our families here in the U.S. and back in Africa. ACT empowers African immigrants to integrate socially, get ahead economically, and engage civically. We connect African immigrants to critical services, help Africans develop as leaders, and organize our communities on the issues that matter." Executive Director – Amaha Kassa. **www.africans.us.**

Appendix B.

Select African Immigrant Media in New York.

- ■ *Afrikanspot* (www.afrikanspot.com) is "a bilingual (English and French) platform reflecting the diversity of the African Diaspora living in the New York area. Our goal is to show a more refreshing image of blacks through their challenges and their successes, but also provide useful information that will help create a healthier and stronger community."

- ■ *Applause Africa* (www.applauseafrica.com, founded in 2000) is "an innovative media brand for the progressive African in Diaspora, with a strong editorial focus on the people, innovations, cultures, businesses, leadership, philosophies and successes of Diaspora Africa. Applause Africa magazine and applauseafrica.com inspire our readers to think beyond traditional boundaries, lead conversations, and create the future for a better Africa by celebrating, empowering and connecting Africans in the Diaspora and on the continent. Applause Africa magazine inspires a new generation of thought leaders, committed to active engagement to shape, demystify and expose the true beauty and potential of the continent, Africa." Co-founders and owners - Debo Folorunsho and Michael Ikotun, natives of Nigeria.

- ■ *AfriDiaspora* (www.afridiaspora.com) is "a webzine dedicated to showcasing and promoting Literature from Africa and the diaspora." Founder and Managing Director - Nana-Ama Kyerematen, a native of Ghana.

- ■ *Sahara Reporters* (www.saharareporters.com) is a "news website that encourages citizen journalists to report ongoing corruption and government malfeasance in Africa. Using photos, text, and video dynamically, the site informs and prompts concerned African citizens and activists globally to act, denouncing officially sanctioned corruption, the material impoverishment of its citizenry, defilement of the environment, and the callous disregard of the democratic principles enshrined in the constitution." Founder – Omoyele Sowore, a native of Nigeria (@YeleSowore on Twitter).

- ■ *Arise News* (www.arise.tv) is an " emerging 24-hour news and entertainment channel brought to you by a diverse team of over 500 world-class journalists, and broadcasters ... With broadcast hubs in London, New York, Johannesburg and Lagos ... ARISE NEWS has a mission to cover issues and world events that matter - and to truly represent the experiences of under-served communities. We seek to champion the voices of emerging and frontier markets. We seek to promote and celebrate all that is African and Afropolitan across all continents..." Editor-in-chief and chairman of the Board – Nigerian-born Nduka Obaigbena.

Appendix C.

Summary of the Family and Immigrant Reunification Bill (FAIR Act), proposed by The Black Institute.

The Family and Immigrant Reunification Bill (F.A.I.R. Act) addresses the concerns of the black immigrant community in regards to agriculture, refugee asylum, family and diversity visas, and economics. The following is a summary of the sections within the Act for your convenience.

Section 1. Title

Section 2. Definitions

Section 3. Border Security
- Improve efficiency at the ports
- staffing priorities
- standards of treatment
- short term custody standards
- Impact analysis of ports of entry
- border fencing: impact and cost analysis
- Department personnel training
- Creates a uniform complaint process
- Partnerships with state and local law enforcement

Section 4. Agricultural Workers
- Creates a guest worker program that protects the rights of black immigrants and provides a pathway to citizenship for guest workers and their spouses and dependents.
- Requires that guest workers or blue card holders pay back taxes, remain in the United States and currently be employed.
- Requires equal opportunity employment for black immigrant farmers.
- Establishes eligibility for legal services
- Establishes oversight of hiring practices.

Section 5. Skilled Professionals
- Establishes an expedited pathway to citizenship for nurses, teachers, auto mechanics and other skilled professionals.
- These skilled professionals are required to pay taxes; employed for not fewer than three years; and physically present in the United States.
- Establishes an application form, process and adjustment of status.
- proof of employment requirement

Section 6. Recruited Professionals
- Establishes an expedited pathway to citizenship for professionals who were recruited to the United States by a federal, state, municipal or third party and were not given a green card.
- Requirements for change of status
- Creates an application form, process and adjustment of status.
- record of employment requirement

Section 7. Children of Recruited Professionals
- Establishes an expedited pathway to citizenship for children of recruited professionals.
- Establishes a pathway to citizenship for "aged out" youth.
- Creates an application process and adjustment of status.

Section 8. Family Visas
- Establishes a process for allocation of visas for sons, daughters and kins of alien permanent residents or naturalized citizens.
- Establishes a procedure for granting status.
- Preference allocation for immigrants in the stem and professional fields holding advanced degrees.

Section 9. Merit-Based Point System
- Provides a mechanism for future immigration flow
- Takes into account the disparate treatment that women experience in other countries, and provide women with a fair opportunity to immigrate to the U.S. through a merit point system.
- Creates a third tier in the merit point system is to provide women a fairer opportunity to compete for green cards by focusing the point categories on careers and experiences that are available to women in other countries.

Section 10. Asylum and Refugee Provisions
- Protects families of asylees or refugees.
- Provision for Haitian immigrants- asylum for Haitian aliens displaced due to natural disasters
- provision stateless persons

Section 11. Diversity Visas
- Retains the diversity visa program
- Creates a program based upon Schumer amendment for future flow of immigrants.

Section 12. Profiling
- prohibition on racial profiling
- programs to eliminate racial profiling by federal law enforcement agencies
- programs to eliminate racial profiling by state, local and Indian tribal law enforcement agencies
- data collection

Section 13. Deportation
- Uniform rule governing prolonged immigration detention
- Uniform rule governing detainees with cases pending in Federal Courts of Appeal
- Limits the mandatory detention statute
- olls back the definition of "aggravated felony" to its pre-1996 meaning
- Restores judicial discretion
- Amends the immigration definitions of "conviction" and "term of imprisonment" to correspond with criminal courts definitions
- Limit removal based on long ago conduct
- Properly preempts state and local law to create uniformity in the immigration system
- Maintains clear limitations on the scope of state and local enforcement activity
- Clarifies that the federal government is not required to respond to every verification request, rather the federal government would have to respond only where the inquiry is made for a purpose explicitly authorized by federal statute.
- Provides free counsel to indigent non-citizens in removal proceedings
- Repeals mandatory detention of aliens, to ensure due process and public safety while reducing

taxpayer costs of detention.
- Provide Immigration judge review for all detained aliens as in criminal courts, under clear criteria, to ensure due process and public safety while reducing taxpayer costs of detention.
- Increase efficiency by eliminating a costly and unnecessary procedural step for non-citizens seeking to legalize their status.

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52. On that occasion, Judge Hutton of the Superior Court of Los Angeles overruled the US Department of Justice, ruling that "The courts of this nation, both state and federal, have, whenever called upon for more than a century, construed the term "white persons," or members of the white race, to include Syrians. If at this late date a different construction is to be placed upon the meaning of this very doubtful statute Congress should so declare. " 'Dept. of Justice Affirms in 1909 Whether Syrians, Turks, and Arabs are of White or Yellow Race,' **www.arabamericanhistory.org/archives/dept-of-justice-affirms-arab-race-in-1909.**

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