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Xiomara Ayala, *Secretary*  
Richard A. Luthmann, *Counsel*

February 23, 2013

By US Mail

Members and Friends  
Staten Island Hispanic Chamber of Commerce  
(Undisclosed list)

**Re: Membership Update**

Dear Members and Friends:

On behalf of the Staten Island Hispanic Chamber of Commerce, let me express my thanks to each and every one of you for the great support that you have given to Our Chamber. The Staten Island Hispanic Chamber of Commerce belongs to all of us, and we are happy that you are growing with us.

This letter will serve several important purposes. First, it will serve to inform you about many of the important upcoming events that the Chamber has scheduled for the next few months. Second, it will serve to recognize some of the great work that our Chamber has done over the past few months, particularly in connection with Reverend Daniel Delgado, SIRE and the Sandy Relief Effort. And finally, and perhaps most importantly, this letter will serve to clarify some important issues that several of our constituents have raised. Due to the fact that some of these issues are legal in nature, Chamber President Angel Rosario has asked that I address them in a clear way for all. However, please note that the statements contained herein are informational and are not to be construed as legal advice.

Let me begin by confirming that the Staten Island Hispanic Chamber of Commerce is a 501(c)(6) tax-exempt organization under the Internal Revenue Code. As such, we are not a political organization. However, under the law, we may engage in political discourse and take positions to the extent that issues touch and concern the business interests of our constituents and our community. Our sister organization, Staten Island Hispanic Chamber Outreach, is a 501(c)(3) not for profit organization under the Internal Revenue Code. That organization exists for educational and charitable purposes and under no circumstances is permitted to engage in political discourse. The boards of the two organizations have independent directors that sit only on one board. The Boards of the organizations are:

**Staten Island Hispanic Chamber of Commerce**

Angel Rosario, Chairman

William T. Mehnert

Brian Gomez

Xiomara Ayala

Richard A. Luthmann

**Staten Island Hispanic Chamber Outreach**

William T. Mehnert, Chairman

Brian Gomez

Xiomara Ayala

Richard A. Luthmann

Robert Castro

We have a robust schedule upcoming in the months ahead. On Wednesday, March 13, 2013, we will be continuing our tradition of bringing together business owners at the State Farm office at 1228 Forest Avenue, Staten Island, NY 10310 (near Jewett Avenue). The event begins at 6:00p.m. Light refreshments will be served. On May 2, 2013, we will be hosting a “Cinco de Mayo” networking event at the Snug Harbor Cultural Center. On Saturday, June 8, 2013, we will once again be holding the

Community Health Fair in Tappen Park in Stapleton in conjunction with Assemblyman Matthew J. Titone and State Senator Diane J. Savino.

For those who like to get off-island for a day of golf, members of the Chamber will be attending two upcoming golf outings. The Giving Hope Network golf outing is on Monday, April 29, 2013 in Bedminster, New Jersey. The outing benefits the Giving Hope Network ([www.givinghopenetwork.org](http://www.givinghopenetwork.org)), a charitable organization based in central New Jersey that has recently expanded to Staten Island and is focused on helping children. GHN has programs focused on orphan, autism, pediatric cancer and at risk youth. Under the autism initiative, GHN has made the goal to supply 1 million Ipads® to families in need. You can call SIHCC Member Joe Torres for more information at 347-552-0232. On May 7<sup>th</sup>, 2013, the South Shore Rotary will be having their golf outing. Contact Chamber Treasurer Brian Gomez for more information at 646-369-8709.

We all know that 2013 will be a big year for local New York City Elections. The Staten Island Hispanic Chamber will be holding a Mayoral Breakfast Forum at the Vanderbilt on July 10, 2013. Full details are forthcoming, however, at this time the Chamber has secured the commitment for attendance from several of the Mayoral Candidates from both the Republican and Democratic Parties. The single question to be addressed by the participants will be: "How will your administration benefit the Staten Island business community and our constituents, especially in light of Hurricane Sandy?" Additionally, we will be attempting to secure meetings with the candidates in other races including Comptroller, Public Advocate, Borough President and City Council to hear their views on business. The Chamber expects to make its endorsements in the upcoming elections on or about Labor Day.

On September 10, 2013, the Staten Island Hispanic Chamber of Commerce will be partnering with GHN to deliver 25 Ipads® to needy families. Details of this event will be forthcoming.

On October 10, 2013, the Staten Island Hispanic Chamber of Commerce will be holding its gala event as part of Hispanic Heritage month. The famed Tony Vega is

scheduled to perform. Please save the date. More details on the gala will follow shortly.

Over the past few months, the Chamber has been active with respect to helping the Hurricane Sandy Relief effort. Members of the Chamber, in conjunction with Staten Island Recovery Effort and Reverend Daniel Delgado, have worked to bring needed resources to the community. In addition to cleanup efforts and vital assistance provided to victims, Staten Island Hispanic Chamber Outreach procured and donated 5 full computer workstations to SIRE to help Pastor Delgado further work to be performed in helping Sandy victims. Much work still must be done. If you would like to volunteer in the effort or donate, you can call Pastor Daniel Delgado at 718-702-2078.

Finally, we have had several inquiries about the Development, Relief, and Education for Alien Minors Act (DREAM Act) proposed by Assemblyman Francisco Moya, D-Queens, and Assembly Speaker Sheldon Silver, D-Manhattan, in the State Legislature. The DREAM Act would allow children of illegal immigrants to apply for state financial aid and would create the DREAM Fund, which would provide private scholarships to undocumented immigrants and children of undocumented immigrants. California, Texas and New Mexico already have similar laws on their books, offering financial aid to immigrant children regardless of Federal immigration status.

To start answering some of the questions about the law, a basic review of the Immigration law framework is necessary. Immigration law refers to US Federal government policies which control the phenomenon of immigration into the United States. The legal status of a non-U.S. citizen for immigration purposes is central to their treatment under Federal law. Section 8 of Article 1 of the U.S. Constitution grants the Federal government the power to make and enforce laws on the subject.

The Federal government enforces the Immigration laws through the U.S. Immigration and Customs Enforcement (ICE), a federal law enforcement agency under the United States Department of Homeland Security (DHS), responsible for identifying, investigating, and dismantling vulnerabilities regarding the nation's border, economic, transportation, and infrastructure security. The largest components within ICE are

Homeland Security Investigations (HSI) and Enforcement & Removal Operations (ERO). Headquartered in Washington, D.C., ICE is charged with the investigation and enforcement of over 400 federal statutes within the United States, and maintains attachés at major U.S. embassies overseas.

ERO is responsible for ensuring the departure of all removable aliens from the United States. ERO uses its Immigration Enforcement Agents (IEAs) to identify, arrest, and remove aliens who violate U.S. immigration law. IEAs are the uniformed presence of immigration enforcement within the interior of the United States. IEAs also are responsible for the transportation and detention of aliens in ICE custody. ERO uses its Deportation Officers to prosecute aliens for illegal re-entry after deportation, monitor cases during deportation proceedings, supervise released aliens who are subject to deportation, and to remove aliens from the United States. Deportation Officers and Immigration Enforcement Agents also operate strategically placed Fugitive Operations Teams whose function is to locate, apprehend, and remove aliens who have absconded from immigration proceedings and remain in the United States with an outstanding Warrant of Deportation. ERO is also responsible for management of the Secure Communities program which identifies removable and criminal aliens located in jails and prisons. Fingerprints submitted as part of the normal criminal arrest and booking process will automatically check both the Integrated Automatic Fingerprint Identification System (IAFIS) of the FBI's Criminal Justice Information Services (CJIS) Division and the Automated Biometric Identification System (IDENT) of the Department of Homeland Security's US-VISIT Program.

Under federal law, illegal immigrants are prohibited from receiving most public benefits. However, they are allowed to receive emergency services, health care and other programs that have been deemed "necessary to protect life and safety."

A recent United States Supreme Court case, Arizona v. United States, 567 U.S. \_\_\_\_ (2012), confirmed that the Federal Government has supreme power to enforce the nation's immigration laws and that State and Local authorities cannot get in the way. "The National Government has significant power to regulate immigration," Justice Anthony Kennedy wrote in the majority opinion. "Arizona may have understandable

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frustrations with the problems caused by illegal immigration while that process continues, but the State may not pursue policies that undermine federal law."

But while concluding that the Federal government has the power to block a state law the undermines the Federal Immigration law, the court let stand one of the most controversial parts: a provision that lets police check a person's immigration status while enforcing other laws if "reasonable suspicion" exists that the person is in the United States illegally. Many believe that this provision of law opens the door to racial profiling.

On Friday June 15, 2012 the Obama Administration issued a memorandum effective immediately, which stated that certain young people who were brought to the United States as young children, who do not present a risk to national security or public safety, and meet several key criteria will be considered for relief from removal from the country or from entering into removal proceedings. Those who demonstrate that they meet the criteria will be eligible on a case by case basis to receive deferred action for a period of two years, subject to renewal, and will be eligible to apply for work authorization.

Under this directive, individuals who demonstrate that they meet the following criteria will be eligible for an exercise of discretion, specifically deferred action, on a case by case basis:

- Came to the United States under the age of sixteen (16)
- Have continuously resided in the United States for at least five years preceding the date of this memorandum and are present in the United States on the date of this memorandum;
- Are currently in school, have graduated from high school, have obtained a general education development certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
- Have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety;
- And under the age of thirty (30)

The State of New York retains the right to regulate and make laws for the general welfare of its residents subject to the limitations of Federal law and the State Constitution. As stated earlier, the proposed DREAM Act would allow children of illegal immigrants to apply for state financial aid and would create the DREAM Fund, which would provide private scholarships to undocumented immigrants and children of undocumented immigrants. California, Texas and New Mexico already have similar laws on their books, offering financial aid to immigrant children regardless of Federal immigration status.

Locally, there has been some confusion over the DREAM Act. Assemblywoman Nicole Malliotakis publicly said it was wrong for the Assembly to introduce DREAM Act legislation, including the tuition provision, while thousands of Sandy victims were still trying to rebuild their lives. "To focus time, energy and most importantly tax dollars on tuition aid for illegal aliens at a time when lifelong Americans are fighting to put their lives back together is unconscionable and frankly offensive," Malliotakis said.

While our Chamber has worked with the Assemblywoman in the past on a range of issues, most notably in the successful repeal of the MTA Payroll Tax, our Chamber must take the position that the Assemblywoman's statements have caused confusion as to the DREAM Act, (which this Chamber fully supports for the business reasons enumerated below), by inappropriately connecting it to Hurricane Sandy Victims. We see no rational relationship between the DREAM Act, which provides tuition assistance to create a more skilled workforce in our community, and the relief efforts and State assistance provided to Hurricane Sandy victims.

Moreover, this Chamber believes that the position articulated by the Assemblywoman actually hurts local business. For many of the reasons enumerated by Republican Party Chairman Robert J Scamardella in his September 20, 2010 article in the Staten Island Advance when he said:

This country has been built on the backs of immigrants. Frankly, the Mexican laborers that populate our Island are mirror images of my Italian ancestors who did the same labor 60 years ago

We respect the words from the Republican Chairman. However, the greatest courage with respect to the DREAM Act has been displayed by Democratic Party Chairman John P. Gulino and Assemblyman Matthew J. Titone, both of whom have exposed the Assemblywoman's statements as, at their best, misplaced, and at their worst, are a transparent attempt at political race baiting.

The DREAM Act helps the entire business community on Staten Island and in New York. The DREAM Act will bring in more money than it would cost. The Center for American Progress concluded that the Federal DREAM Act would bring billions of dollars to struggling state economies. If illegal immigrants brought to the U.S. as children were given legal status, their improved access to college and better jobs would add \$329 billion and 1.4 million jobs to the nation's economy over two decades. The report found that up to 223,000 of the 2.1 million young illegal immigrants eligible for the DREAM Act would have an easier time enrolling, paying for and finishing college, which would lead to the increased economic gains. This is in addition to the savings from no longer kicking down doors to deport college students and place American-born children into foster care. Access to financial aid, which is essentially access to education for anyone without a trust fund in today's America, is a central part of the DREAM Act.

The Chamber has already reached out to other Staten Island business leaders in the Liberian, Pakastani, Egyptian, Sri Lankan and Korean communities, as well as El Centro director Gonzalo Mercado, Brooklyn Hispanic Chamber of Commerce President Rick Miranda and Federation of Hispanic Chambers of Commerce President Alfred Placeres on this issue. All agree that state legislators can multi-task. All agree that the families that are the beneficiaries of DREAM Act are members of our community. As such, our Chamber will be drafting a formal letter applauding the actions of Assemblyman Matthew J. Titone and Democratic Party Chairman John P. Gulino in this matter and advancing the business interests of our Chamber and our community. We have also asked the afore-mentioned groups to do the same.



If you have any questions about the foregoing, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read "Richard A. Luthmann". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Richard A. Luthmann  
Counsel