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Special Edition of La Prensa for Lazo Cultural

POW-WOWS!

Loudonville, Ohio, August 23, 2013: **Pow-Wow with the Mohicans September 20 – 22, 2013.** This nationally acclaimed, authentic, *Native American Pow-Wow* has previously been named one of the top 100 events in the United States by the American Bus Association.

The 2013 show features *Old Bridge Singers* and *Smoke Dancers* in addition to the world champion hoop dancer and flute player of the year. Activities include: Native-American tomahawk throwing, fire-starting demonstrations, music, dancing, contests, eating, and powerful storytelling. Throughout the festivities, there are plenty of music and dance performances, contests and customary food and artisans.

Pow-Wows are celebrations that last for days. It is the coming together of Native tribes to honor ancestors and renew their traditions and heritage. It is a real cultural presentation – not a hobbyist show.

It emphasizes lifestyles, fellowship and competition among tribes. It showcases custom dancing, colorful ceremonial dress, the passing down of songs, sharing of foods and storytelling. One of the most spectacular sights at an authentic Pow-Wow is the palate of color woven throughout the festivities.

In addition to the Native foods, stories, music, dancing and drum competitions, there are original Native-American creations by more than 40 traders, artisans, and crafters. Wares on display and for sales include pottery, bead working, knife making, silver-smithing, quill working, antler works, fur trading, wood and bone carving, leather work, basket weaving, paintings, and jewelry.

The *Great Mohican Indian Pow-Wow* will be hosted by Mohican Reservation Campgrounds. This setting is nestled in secluded wooded hills lending well to the authenticity of the event. The camp location for the festivities is 23270 Wally Road South in Loudonville, Ohio.

Admission is \$8/adult and \$4/child with discounts for two and three day passes as well as for colleges, groups, scouts, teachers, seniors and veterans. For complete information or directions, phone 1-800-766-2267 or visit www.mohicanpowwow.com.

KNOW YOUR RIGHTS: All Children, Regardless of Immigration Status, Have the Right to Attend a Free Public School in the U.S.

By Maura Hagen, Equal Justice Works AmeriCorps Legal Fellow
Michigan Immigrant Rights Center

All children, regardless of immigration status, can attend a free public school in the United States. This right is guaranteed by law. In 1982, the United States Supreme Court decided a case called *Plyler v. Doe*. This case invalidated a Texas statute that denied enrollment in the public schools to children not “legally admitted” in the country.

The Supreme Court said that denial of education violates not only our political and cultural history, but also the *Equal Protection clause* of the U.S. Constitution. Justice Brennan, who wrote the Supreme Court opinion, said, “Education provides the basic tools by which individuals might lead economically productive lives to the benefit of us all. In sum, education has a fundamental role in maintaining the fabric of our society. We cannot ignore the significant social costs borne by our Nation when select groups are denied the means to absorb the values and skills upon which our social order rests.”

What does the Supreme Court decision in Plyler v. Doe mean to undocumented children?

It means that public schools may *not*:

- Deny admission to a student during initial enrollment or at any other time on the basis of undocumented status;
- Treat a student differently to verify residency;
- Engage in any practices that “chill” or hinder the right of access to school;
- Make inquiries of students or parents that may expose their undocumented status.

UNDOCUMENTED CHILDREN HAVE THE RIGHT TO ENROLL IN SCHOOL- WHAT SCHOOLS CAN AND CANNOT REQUIRE?

• *Are schools allowed to require Social Security Numbers?*

NO – According to the Privacy Act of 1974, social security numbers are not required for enrollment. While a school may ask for a number, it must explain at the same time that it does not require the number and that it will assign a unique identifier to any student who does not have a social security number.

• *Are schools allowed to require Birth Certificates?*

NO - Birth Certificates cannot be required for enrollment. The *Michigan Revised School Code (MCL 380.1135(1))* provides that a person enrolling in school can have either (1) a certified copy of the birth certificate; OR (2) other reliable proof of the student's identity and age AND an affidavit explaining the inability to produce a copy of the birth certificate. The Revised School Code is flexible as to what constitutes other reliable proof that could serve as an alternative to a birth certificate.

Examples of documents that could be accepted by schools in the alternative are:

- Church Record (baptismal document – showing date, place of child's birth, names of child's parents);
- School Record (information showing date of admission, child's date of birth or age at the time, the place of birth, the names of the parents);
- Census Record (state or federal census record showing the names, place of birth, date of birth, or the age of the person listed);
- Affidavits (written statements sworn to or affirmed by two persons who were living at the time and who have personal knowledge of the child's birth).

• *Are schools allowed to require Immunization Proof?*

YES – Under the Michigan Code (MCL 333.9208, 333.9215, 380.1177), immunizations may be required before a child can be permitted to enter or attend school. School districts may require that parents or guardians present documentation at the time of registration or not later than the first day of school that: (1) their child has received all required doses of vaccines OR (2) that their child has received at least one dose of each of the required vaccines and is waiting to receive the subsequent doses.

Vaccinations may be waived if there is a valid medical complication or the parents have opposing religious convictions. The key issue with respect to immunizations is that children should not be treated differently because of their national origin, English proficiency, or migrant status. All children should be treated equally under the school district's policy. School districts may not require additional or different immunizations for immigrant or migrant children.

UNDOCUMENTED CHILDREN HAVE THE RIGHT TO PARTICIPATE ON SCHOOL PROGRAMS

• *Are undocumented children entitled to participate on The Free and Reduced School Lunch or Breakfast programs?*

YES – According to federal regulations (7 C.F.R. 245.3(b)(2); 245 6(a)), the Free and Reduced School Lunch or Breakfast programs are available to low-income children regardless of their immigration status or their parent's

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immigration status. While the application for the free and reduced meal programs has a blank for a parent or guardian's social security number, parents who have not been issued a social security number may state "none."

• *Should schools provide special Language classes for children whose English is not their first language?*

YES - A school could be committing national origin discrimination under Title VI if it fails to provide some form of language assistance to limited English proficient students who are otherwise precluded from participating meaningfully in school. This law is from a case called *Lau v. Nichols* decided by the Supreme Court of the United States.

• *Are undocumented children entitled to participate on Special Education Needs Programs?*

YES - Migrant students with special education needs are entitled to receive free appropriate education. Under the *Individuals with Disabilities Act (IDEA)*, the law requires that children be fairly assessed in their native language, and classified according to the type of disability. The assessment and the placement must be carried out quickly and parents must be kept informed of their child's educational plan in a language the parent understands.

MIGRANT PARENTS HAVE THE RIGHT TO PARTICIPATE ON SCHOOL ACTIVITIES

• School districts have the responsibility to adequately notify parents of national origin minority group students of school activities that are called to the attention of the other parents. Notification must be sufficient so that parents can make well-informed decisions about the participation of their children in a district's programs and services. Districts may be required to provide notification in the parents' home language. This information was published on *The Provision of Equal Educational Opportunity to Limited-English Proficient Students* published by the U.S. Department of Education Office of Civil rights in August 2000.

• The state of Michigan and each school district that receives monies from the federal migrant education program for a regular school year program must have a migrant parent advisory committee to develop a comprehensive plan according to the No Child Left Behind Act of 2002.

UNDOCUMENTED CHILDREN AND PARENTS HAVE PRIVACY RIGHTS

Under the Family Educational Rights and Privacy Act (FERPA), educators are not allowed to release a child's educational records without parental or guardian consent. Educators are also NOT allowed to "expose" children and their families to immigration enforcement authorities. FERPA mandates that no funds shall be made available to any educational agencies or institutions that release a student's "personally identifiable information" without the written consent of the student's parents or guardians. The federal regulations define "personally identifiable information" as including, but not limited to, the student's name, the names of the student's parents, and most importantly, a social security number or other personal identifier of the student.

If you have any questions or know of any child that has been denied an education due to his or her national origin, immigration status, limited English proficiency, or frequent migration, contact the *Michigan Immigrant Rights Center* at (269) 492-7196, or visit: www.michiganimmigrant.org

Spanish Health & Wellness Seminar



WHAT: The first of its kind in the area, this *Spanish language seminar* features *Dr. Julissa Hernández* from New York City, who will be addressing weight loss techniques to support the Spanish community with their wellness goals.

WHEN: Saturday, September 21st, from 9:00 am to 1:00 pm, \$35

WHERE: The Courtyard Marriott, 3205 Boardwalk, Ann Arbor, MI. Pre-registration with *Lili Alvarez*, 248-259-7010.

WHY: Over 30% of adults and children are now considered obese. In less than 28 years diabetes has quadrupled, with rates of heart disease now approaching 40% of the adult population. Attendance at this seminar is a must for anyone who has been diagnosed with any of these problems, or would like to know what can be done to lose weight effectively to reduce either their personal risk or that of a loved one.

FYI: *Dr. Julissa's* career achievements combined with her dynamic presence have led to her growing prominence as an educator, international speaker and teacher of Natural Medicine. Her fluency in three languages (English, Spanish and French) gives her a platform across cultures. *Dr. Julissa* has been a recurring special guest and natural health expert for over 7 years on the nationally syndicated radio show *The Michael Baisden Show*, on segments 'Your Body Is Your Temple' and 'Living Your Dream'. She has appeared weekly on Ch. 47 Telemundo on a health segment on LUDA (Latinos Unidos de America).

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La Prensa Newspaper Staff

La Prensa Publications, Inc.

Publisher

Editorial:

Rico, Editor, 313-729-4435
Claudia Annoni, Associate Editor

rico@laprensa1.com
claudia@laprensa1.com

Art/Graphics/Web:

Jennifer Retholtz

Graphics Manager & Webmaster

Advertising:

Nanette Nieto, 419-242-7744
Adrienne Chasteen, 419-241-8284
Rico, 313-729-4435

Marketing Manager
Marketing Representative
Cacographer, Layout & Sales

La Prensa Publications, Inc. dba La Prensa

Mailing Address: La Prensa, PO Box 792, Saline MI 48176
• www.facebook.com/laprensa1 • Fax: Please e-mail.

DEADLINE: MONDAY AT 5:00PM, Prior to Distribution

SALES: 313.729.4435

E-mail: rico@laprensa1.com

• **Web site: www.laprensa1.com** •

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Immigration Remedies for Survivors of Domestic Violence

By Carolyn Krieger, Equal Justice Works AmeriCorps Legal Fellow
Michigan Immigrant Rights Center

In the United States, it is a crime to physically hurt anyone, including your husband, wife, and children. Husbands cannot hit, slap, push, kick, punch, choke, or otherwise physically assault their wives. They also cannot force their wives to have sex if they don't want to.

Domestic violence also includes other types of behaviors that are not always crimes, but are still wrong. Verbal abuse, such as yelling, swearing, name calling, insulting and degrading language is all considered domestic violence. Threatening to hurt you, to kidnap children, to harm your property or your pets, and to have you deported are all forms of domestic violence.

Controlling behavior, such as listening in when you use the phone, preventing you from having people over to your house, telling you are not allowed to leave the house, making you quit your job or drop out of school, and withholding money from you are all types of domestic violence.

If you or someone you know is experiencing domestic violence, it is important to get help right away. You can call the National Domestic Violence Hotline at 1-800-799-7233. They have people who speak Spanish, so you can call even if you don't speak English. They will connect you with people in your area who can help you.

Even if you're not ready to leave right now, you can still call and talk to someone to get more information about your options. Once you are connected with an advocate, you can ask your advocate to help you find a divorce attorney if you need a divorce, and also an immigration attorney if you are an immigrant.

Unfortunately, it is very common for a husband or wife who has legal immigration status to threaten their undocumented spouse. The abuser often holds the immigration papers over their spouses head, and says things like, "If you don't do exactly what I tell you to do, or if you leave me or call the police, I won't file papers for you and then you will be deported."

Normally, immigration law requires that the lawfully present spouse complete and sign the paperwork to help the undocumented spouse obtain their immigration papers. This is a big problem when there is domestic violence. Fortunately, the *Violence Against Women Act* or "VAWA" allows the abused immigrant spouse to file papers for themselves, and get a green card without the help of their abusive spouse.



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Both men and women who are being abused can file a VAWA self-petition. Also, parents and children of a U.S. citizen or Permanent Resident who are being abused can also file a VAWA self-petition. The important things to remember about VAWA are: (1) you must be legally married, and (2) your spouse (or parent or child) must be either a United States Citizen or a Lawful Permanent Resident. So if you are only living together but are not legally married, or if you are married to an undocumented person or someone with another type of visa, you unfortunately will not be eligible for VAWA. If you already divorced your spouse, or if your spouse has been deported, you may still be able to file a VAWA self-petition for 2 years after the divorce or deportation.

To file a VAWA self-petition, you will have to show that you experienced battery or extreme cruelty during your marriage. Extreme cruelty includes all the types of domestic violence described above, so you can still qualify for VAWA even if your spouse never hit you. While police reports can help prove the abuse, they are not required to file a VAWA petition.

So what happens if you are suffering from domestic violence but you are not married or your spouse does not have a green card or U.S. citizenship?

There may be a way for you to apply for immigration relief. There is a special visa in immigration law for victims of certain crimes, including the crime of domestic violence. This is called the "U visa". Other qualifying crimes include sexual assault, felonious assault, kidnapping, attempted murder, and many others.

To qualify for a U visa, you must have been a victim of a crime. So if you only experienced types of domestic violence that were not crimes (such as verbal abuse), you will not qualify for a U visa. But unlike VAWA, the U visa does not require that you were legally married to someone with a certain type of immigration status. If you were a victim of domestic violence by your husband who is undocumented, by your boyfriend, or even if you were hurt by a stranger, you may still, qualify for a U visa.

Another important thing to know about the U visa is that it also requires that you were helpful to the police and prosecuting attorney. So to qualify for a U visa, you must have reported the crime to the police, and cooperated with any follow-up requests from them. For example, if you were a victim of a crime but never called the police to report it, you would not qualify. If you called the police but then decided to drop the charges, you would not qualify. However, you can still qualify for a U visa if you reported the crime to the police, but the police never arrested the perpetrator, or if the perpetrator was found not guilty in court, so long as you continued to cooperate with the police and prosecutor.

In order to apply for a U visa, there is a special form, called a law enforcement certification, that the police or prosecutor must sign. This form says that you were helpful to them, and it is required. If they won't sign it for whatever reason, you cannot apply for a U visa. Unfortunately, sometimes the police refuse to sign this form even if you did report the crime and did everything that was asked of you. If your crime happened a long time ago, or if they don't have records that you cooperated, they will often refuse to sign the form. An immigration attorney can help you ask for this law enforcement certification.

If you believe you may qualify for a VAWA self-petition or U nonimmigrant status, you should talk to an immigration attorney to learn more. There are many free or low cost services available to victims of domestic violence and a shelter can direct you to these resources.

RODRIGUEZ BELL & DIFRANCO LAW OFFICE LLC

ABOGADOS DE INMIGRACION
2844 Lagrange Street • Toledo • OH • 43608

(419) 822-7675

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Hispanic/Latino Commission of Michigan presents....



4th Annual Hispanic Legislative Advocacy Day

Tuesday, September 24, 2013

9:00am-4:00pm

State Capitol grounds

**Hispanics and Latinos will gather from across the state to
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Authentic Mexican luncheon will be served.

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