

Turning the Page on U.S. Immigration Policy:

*Immigration and Asian American
Women and Families*

A NATIONAL AGENDA FOR ACTION



National Asian Pacific American Women's Forum
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ACKNOWLEDGMENTS

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Special thanks to:

Wida Amir for composing and assembling the majority of this report. *Priya Murthy* for her dedication, expertise, and writing. This report would not be possible without her. *Fayzan Gowani* for their endless assistance as a consultant throughout the report production. *Stephanie Tanny* for her consultation and overseeing the final stages of the report. *Contributing Chapter Leaders* for their feedback and commitment to this project.

This report was made possible with the support of the Four Freedoms Fund.

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Elizabeth Rappaport: this page and pages 2, 8, 12, 17, 18, 22, 25, 26, 29, 32, 33.

ABOUT NAPAWF

The National Asian Pacific American Women's Forum (NAPAWF) is the only national, multi-issue Asian American and Pacific Islander (AAPI) women's organization in the country. NAPAWF's mission is to build a movement to advance social justice and human rights for API women and girls.

Following the 1995 United Nations Fourth World Conference on Women in Beijing, the organization was established by 157 Founding Sisters in September 1996. The Founding Sisters identified six issues areas to serve as the platform and foundation for NAPAWF's work: civil rights; economic justice; educational access; ending violence against women; health & reproductive freedom; and immigrant and refugee rights. Since then, NAPAWF has grown to a staffed organization with offices in Brooklyn, NY and Washington, DC with additional staff based in Minnesota, Massachusetts, and Georgia. The organization has a large member base organized into 15 chapters.



For information on NAPAWF, visit www.napawf.org or email info@napawf.org.

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In the final stages of this report, President Barack Obama announced an executive action that will expand the Deferred Action for Childhood Arrivals (DACA) program, create a new Deferred Action for Parents (DAP) program, and replace Secure Communities with a new Priority Enforcement Program (PEP). The culmination of both administrative relief and this Turning the Page report has been due to over a decade of community organizing for immigration reform. We acknowledge that this is an incredible victory that provides relief for over 4 million people, but recognize that there is a lot more work to be done for Asian American women and families as detailed in this report.



On August 28, 2014, NAPAWF joined with many organizations on a march to the White House to demand that President Barack Obama send administrative support and relief to the children along the southern border, write an executive order to include families, and advocate for immigration reform. At the end of the journey, several NAPAWF sisters and other peaceful protesters were arrested.

EXECUTIVE SUMMARY



TURNING THE PAGE ON U.S. IMMIGRATION POLICY: ASIAN AMERICAN WOMEN IN FOCUS

NO RETELLING OF AMERICAN HISTORY CAN BE TOLD WITHOUT RECOGNIZING the contributions of Asian Americans as an integral part of our country's story. For centuries, immigrants from all parts of Asia have been coming to the shores of the United States – including South Asian farmers working the fields of California's Imperial Valley, Chinese workers constructing the transcontinental railroad linking this vast nation, immigrants from the Philippines, Korea, and Japan laboring in the sugar cane fields of Hawaii, and Southeast Asian refugees fleeing conflict abroad and seeking shelter in this country. In more recent decades, Asian immigrants have continued to strengthen the fabric of this country and fuel its economic engine as engineers, taxicab drivers, entrepreneurs and innovators, dry cleaners, convenience store clerks, doctors, nail salon workers, and so much more. Indeed, the strength of the Asian American community only continues to grow as the demographic landscape of this country shifts and community members increasingly flex their political muscle.

Historically, Asian Americans have encountered numerous challenges due to discriminatory immigration laws and court rulings fueled by xenophobic public sentiment. Among the various Congressional measures prohibiting Asians from entering the United States were the Chinese Exclusion Act of 1882, the Asiatic Barred Zone Act of 1917, and the Immigration Act of 1924. Even for early Asian immigrants who had previously established lives here, basic rights were denied simply because of

The strength of the Asian American community only continues to grow, as the demographic landscape of this country shifts and community members increasingly flex their political muscle.

their race. Anti-miscegenation laws from as early as the 18th century resulted in American spouses of Asian immigrants having their citizenship stripped. In the 1920's, the Supreme Court ruled that Japanese and Indians were ineligible to naturalize, as they were not white. In addition, the Alien Land laws prohibited Asians from owning property at that time. Indeed, among the most shameful chapters in American history was the internment of Japanese Americans during World War II, when families were forcibly uprooted and rounded up by the government based on racism and paranoia—which re-emerged for South Asian and Muslim communities following September 11th. While many of these policies were subsequently rescinded, these historical realities remain in the lives of community members.

Just as it is important to include the Asian American immigrant experience within our history, it is crucial to recognize the unique experiences of Asian American women and the pivotal role they play in this country's past, present, and future. As the title of this report suggests, Asian American



Chapter leaders attend Rally for Immigrant Women, Washington, DC. 2013.

women are still living with the legacies of the Page Act of 1875, which was the first federal immigration law passed by the U.S. government and effectively prohibited the entry of any Chinese woman to the U.S. With a population of over 9 million in the United States, according to the 2010 Census, Asian American women and girls can no longer be ignored. As a predominantly foreign-born community, Asian American women, as with all other immigrants, must today navigate the country's convoluted immigration system. Obstacles created by our past and current immigration laws continue to present their own challenges for Asian American women – both as family caregivers and as career seekers.

The experiences and difficulties that an Asian American woman encounters are as diverse as the community itself. She is the U.S. citizen sister waiting over 20 years to be reunited with siblings abroad who are stuck in the family immigration backlogs. She is the undocumented domestic

worker toiling away to care for the families of others, even if her immigration papers say otherwise. She is the wife of an H-1B engineer with her own college degree and technical skills who cannot contribute to the economy simply because of her visa. She is the working-class green card holder battling breast cancer who is unable to obtain immediate life-saving treatment because she must wait five years to receive Medicaid. She is the mother who lost her sons to detention and deportation simply for being Muslim after September 11th. She is the green card holder whose family fled political violence in their home country, facing deportation because of a careless slip-up with the law in college. She is the courageous survivor of domestic violence who has become too afraid to call local police for help due to agents' greater authority to carry out immigration laws.

This report, *Turning the Page on U.S. Immigration Policy: Immigration and Asian American Women and Families*, provides analysis, statistics, and real-life stories that relate to the impact of immigration policies on Asian American women. Part I of the report discusses barriers established by immigration laws and policies that prevent Asian American women and their families from becoming full citizens of this country. Part II of the report reveals how various aspects of the immigration system are tearing apart the most fundamental and sacred aspect of American society – the family. Whether as a result of an outdated family visa immigration system, historically discriminatory immigration policies against same-sex partners, or ramped-up enforcement measures, Asian American women have witnessed painful separation from loved ones

Chinese women have the unfortunate distinction of being the targets of the first anti-immigrant laws passed in the United States. Congressman Horace F. Page, who wanted to “end the danger of cheap Chinese labor and immoral Chinese women,” championed the Page Act of 1875. The impact of the law was that most Asian, especially Chinese, women seeking entry to the U.S. were labeled as “prostitutes,” and Chinese men who had migrated to the U.S. were not allowed to sponsor their wives to reunite with them. This is but the first instance, out of many, that uses immigration laws to perpetuate reproductive injustice.

As lawmakers consider adopting changes to the country's immigration system, it is imperative that the experiences of Asian American women be reflected in these discussions.

for decades. Part III highlights how Asian American women are denied the core right of health care simply due to of their immigration status or when they are ensnared in this country's draconian immigration detention system. Part IV of the report discusses how, while many continue to see America as a beacon of safety, current immigration policies have failed to meaningfully ensure freedom from violence for Asian American women – be it for domestic violence survivors, refugees and asylum seekers, or trafficking victims.

In November 2014, after a divided Congress failed to pass a bill on immigration reform, President Obama took executive action to provide relief for over 4 million undocumented immigrants. While the action offers much needed relief, it is

imperfect, impermanent, and leaves many people out. There is much work to be done to create a lasting solution for immigrant women and families.

A holistic approach to immigration reform must provide an accessible and timely pathway to citizenship for all; eliminate the further criminalization of immigrant communities; modernize our country's family immigration system by alleviating visa backlogs and allowing same-sex partners to participate equally within the system, regardless of recognition by state or country; allow all individuals access to health care, regardless of immigration status; restore fairness and judicial discretion within the detention and deportation system; provide strengthened protections for immigrant survivors of violence, trafficking, and political conflicts; and protect workers' rights and employment authorization without undue restrictions for all.

Based on these core principles, this report offers concrete recommendations to policy makers and stakeholders engaging in this issue. As lawmakers consider adopting changes to the country's immigration system, it is imperative that the experiences of Asian American women be reflected in these discussions.



DC Chapter leaders at May Day Rally, Washington, DC. 2009.



Rain or shine. NAPAWF members show up for immigration reform. Oakland, CA. 2009.

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CHAPTER 2

ASIAN AMERICAN WOMEN: A DEMOGRAPHIC PROFILE

AS THE RACIAL AND ETHNIC MAKEUP OF THE UNITED STATES IS BECOMING INCREASINGLY DIVERSE, the Asian American community is leaving an indelible presence on the country's demographic landscape. With a national population of over 18.2 million in 2011, Asian Americans represent 5.8% of the total United States population.¹ According to Census 2010 data, over 9 million Asian American women and girls live in the United States.² The Asian American community is by no means monolithic – rather, it is incredibly diverse, comprised of 50 ethnic groups, who speak over 100 different languages and dialects. Nearly two-thirds of all Asian Americans are foreign-born. In fact, in 2011, nearly 13% of the total United States population was foreign-born, and, of this, over 29% came from Asian countries.³

The Asian American population has also experienced remarkable growth, increasing 46% between 2000 and 2010.⁴ In fact, the Asian American population, as a whole, is projected to swell to 41 million by 2050, making up 9% of the total population.⁵ While the largest concentrations of Asian Americans remain in states such as California, New York, and Texas, the community's population has increased most significantly in states such as Nevada, Arizona, North Carolina, North Dakota, and Georgia.⁶ The largest Asian American populations in the United States include Chinese, Filipino, Indian, Vietnamese, Korean, and Japanese

The Asian American community is by no means monolithic—rather, it is incredibly diverse, comprised of 50 ethnic groups, who speak over 100 different languages and dialects.

communities.⁷ The fastest growing segments of the Asian American community are the Bangladeshi, Pakistani, Sri Lankan, Indian, Taiwanese, Thai, and Indonesian communities.⁸ The population of Asian Americans with mixed racial heritage has also grown rapidly between 2000 and 2010.⁹

Asian American women, like other immigrant groups in this country, have become an invaluable part of the American fabric. Asian American women possess a range of immigration statuses and have a considerable stake in comprehensive immigration policy reform discussions. Asian American women help drive various sectors of this country's economy – whether as entrepreneurs, domestic workers, professionals, or homemakers supporting the next generation of Americans. They are also increasingly becoming a political force by becoming citizens, participating in elections, and seeking elected office.

Because of the lack of data on Pacific Islander communities, for the purposes of this report, NAPAWF is focusing on Asian American women. We acknowledge that Pacific Islander women are also impacted by immigration policy in many unique and detrimental ways.

Asian American Women Are a Pivotal Part of Immigrant America

The majority of Asian American women, like the broader Asian American population, are foreign-born. Based upon estimates from the Census Bureau, at least 5.6 million women living in the United States were born in Eastern Asia, South Central Asia, or South Eastern Asia.¹⁰ Various Asian nations rank among the top ten countries of origin for all immigrant women – including China, the Philippines, India, Vietnam, and South Korea.¹¹ In fact, there are more immigrant women than immigrant men in the United States from these five Asian countries alone.¹² According to 2008 Census data, the average number of years in the United States for women from the largest Asian American communities ranges from ten to nineteen years.¹³

As a predominantly foreign-born community, most Asian Americans and Asian American women have needed to navigate the country’s immigration system at some point in their lives. The community has entered the country through a diverse set of pathways, including those joining loved ones through family-based visas, dependents of spouses on temporary worker visas, refugees and asylum-seekers fleeing persecution, and undocumented individuals. While there are limited figures on the immigration statuses of Asian American women specifically, data on immigrant women and the broader Asian American community are telling. Among the over 1 million immigrants who received green cards in 2012, over 41% were from Asian countries and over 54% were immigrant women.¹⁵ In addition, among the general immigrant population, immigrant women are more likely than immigrant men to enter the country through family immigration channels.¹⁶ Comprising half of the total nonimmigrant visa population, an estimated 950,000 Asian Americans reside in the United States on temporary visas.¹⁷ Adding to established Southeast Asian American refugee communities already here, among the leading countries for refugees admitted in 2012 were Burma and Bhutan, and for those granted asylum within the United States were China and Nepal. In addition, over 46% of all refugees and over 49% of all affirmative asylees admitted that year were women.¹⁸ Within the total estimated 11.5 million undocumented individuals

ESTIMATED POPULATION OF FOREIGN-BORN WOMEN IN THE U.S. (2009-2011)¹⁴

COUNTRY OF BIRTH	POPULATION
China	1,198,234
Philippines	1,076,432
India	860,215
Vietnam	646,040
South Korea	343,086
Taiwan	208,252
Japan	213,399
Pakistan	140,183
Thailand	135,297
Laos	99,672
Cambodia	89,720
Bangladesh	76,057
Indonesia	54,244
Myanmar (Burma)	41,946
Malaysia	30,500
Nepal	28,116
Sri Lanka	21,718
Singapore	16,133

Source: U.S. Census Bureau, 2009-2011 American Community Survey, 3-Year Estimates

in 2011, approximately 1.3 million are of Asian origin and nearly 5.4 million are immigrant women.¹⁹ In fact, five Asian countries rank among the top ten countries of origin for those without immigration status.²⁰

Asian American Women Drive the Economy

Asian American women are integral to the economic backbone of this country and are visibly present across various sectors. According to 2010 Census Bureau data, over 60% of Asian American women are in the nation’s workforce.²² In fact, foreign-born women from seven Asian countries participate in the labor force at rates exceeding those of the total population of women.²³ According to Census estimates, Asian American women in the labor force have attained managerial and professional positions, including over 65% of women born in India, over 64% of women born in Singapore, and over 58% of women from Sri Lanka.²⁴ A

COUNTRY OF BIRTH FOR UNDOCUMENTED IMMIGRANTS IN THE U.S. (2012)²¹

COUNTRY OF BIRTH	ESTIMATED POPULATION	PERCENT OF TOTAL UNDOCUMENTED POPULATION	PERCENT CHANGE BETWEEN 2000 AND 2011
China	210,000	2%	+43%
Philippines	310,000	3%	+35%
India	260,000	2%	+94%
Korea	230,000	2%	+31%
Vietnam	160,000	1%	+10%

Source: U.S. Department of Homeland Security, Office of Immigration Statistics

significant segment of women in the labor force are also employed in the sales industry, including over 43% of women born in Bangladesh, over 34% of women born in Pakistan, and over 31% of women from Indonesia. In addition, within those in the labor force, over 40% of women born in Vietnam, 34% of women born in Thailand, and over 31% of women born in Nepal are employed in the service sector.²⁵

It is important to recognize that while earnings within the Asian American community vary greatly, they all drive the country's economy. Many Asian American communities – including those from India, Japan, China, the Philippines, and Korea – are reported, on average, to have per capita incomes higher than the overall population.²⁷ Yet Hmong, Cambodians, Bangladeshis, Laotians, Vietnamese, Pakistanis, and Thais have incomes lower than the national average.²⁸ Many Asian American women are employed in the informal sector as caregivers, domestic workers, housecleaners, and garment workers.²⁹ Despite the fact that women who work in low-wage sectors of the economy are struggling to make ends meet, face hazardous work conditions, and often endure abuse as a result of their immigration status, they are a pivotal part of the country's economic engine and deserve to be treated equitably and humanely.

Asian American Women are a Political Force

Asian American women, similar to the broader Asian American population, are increasingly flexing their political muscle. Asian Americans, in

PERCENTAGE OF WOMEN IN THE U.S. LABOR FORCE BY COUNTRY OF BIRTH (2011)²⁶

COUNTRY OF BIRTH	PERCENTAGE
Philippines	68.8%
Malaysia	67.7%
Laos	61.1%
Taiwan	61.0%
Vietnam	63.5%
Thailand	62.7%
Sri Lanka	63.8%
Nepal	59.5%
All Native Born and Foreign-Born Women	59.3%
Cambodia	58.4%
Singapore	56.4%
Indonesia	53.2%
South Korea	53.9%
India	56.9%
China	58.1%
Myanmar (Burma)	54.2%
Bangladesh	43.9%
Japan	43.1%
Pakistan	41.2%

Source: U.S. Census Bureau, 2009-2011 American Community Survey, 3-Year Estimates

the aggregate, have the highest naturalization rates among immigrants in the country. In fact, since 1980, individuals from India, the Philippines, Vietnam, and China have ranked among the top five nationalities to apply for and receive

U.S. citizenship.³⁰ Among Asian American women, according to 2008 Census Bureau estimates, nearly three-quarters of women from Vietnam and three-fifths of women from the Philippines were naturalized.³¹ Between 2000 and 2010, the United States citizen voting-age population of Asian Americans grew 63% from 2.8% to 4.1% of the total United States citizen voting-age population.³²

According to one national survey, 76% of Asian American women respondents who were registered voters cast their ballots in the November 2012 elections.³³ In the Presidential race, 69% of these women voters favored incumbent Barack Obama and 30% voted for Governor Mitt Romney.³⁴ Going into the election, in a similar survey of registered voters, 47% of Asian American women identified as Democrat or leaning Democrat compared to 20% who identified as Republican or leaning Republican.³⁵ Asian American women candidates have also made significant strides and attained victories at the ballot box, with 2012 marking the election of the nation's first Asian American woman Senator and three Asian American women winning new seats in the U.S. House of Representatives.

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According to one national survey, 76% of Asian American women respondents who were registered voters cast their ballots in the November 2012 elections.



Senator Mazie Hirono from Hawaii, the first Asian American woman and immigrant to be elected to the Senate. 2013.

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CHAPTER 3

CITIZENSHIP FOR ALL

THE UNITED STATES IS PREMISED ON THE IDEAL THAT ALL INDIVIDUALS ARE CREATED EQUAL, regardless of who we are, where we come from, or how we arrived here. Yet, many Asian American women who lack immigration status are denied the American Dream simply because they do not possess the proper documents.

Contrary to popular perception, a sizable number of women from Asian countries have been living in the shadows as undocumented immigrants. Within the total estimated 11.4 million undocumented individuals in 2012, approximately 1.3 million are of Asian origin and more than 5.3 million are immigrant women.³⁶ Several Asian countries—including China, India, Korea, the Philippines, and Vietnam—rank among the top ten countries of origin for undocumented immigrants living in the United States.³⁷ Even for green card holders, particularly for former refugees from Southeast Asia, citizenship can be denied due to an expanding list of minor criminal offenses that bar them from relief and result in community members' deportation. These aspiring citizens include many whose family members are themselves United States citizens or green card holders and make crucial contributions to the economy, possessing skills and talents that will help drive the country forward. In order to be true to the ideals that have made this country a beacon of hope, and to ensure the success of all Americans, it is imperative that our immigration laws include a roadmap for all those seeking to become citizens.

Undocumented Women and Youth

When policy makers consider the contours of a roadmap to citizenship for undocumented immigrants, it

Contrary to popular perception, a sizable number of women from Asian countries have been living in the shadows as undocumented immigrants.

is crucial that the process be affordable, timely, and inclusive.

Of particular concern for undocumented Asian American women are any potential requirements that individuals provide proof of current employment in order to be eligible for relief and maintain status. Such prerequisites could pose a significant barrier for many who are employed in informal sectors of the economy and aim to progress towards permanent residency and citizenship. In fact, within the broader immigrant community, while an estimated 58% of undocumented women are in the labor force, the majority work in fields where evidence of their employment may not be verifiable.³⁸ Due to various factors, such as limited English proficiency, gendered power dynamics around decision making within families, and financial constraints, many Asian American women work in low-wage and informal sectors of the economy, including as domestic workers and beauty and nail salon workers.³⁹

In addition, despite the fact that many immigrant women have similar educational levels as native-born women and have acquired degrees and technical skills in their home countries, these credentials

According to the National Asian American Survey of 2012

- ▶ 58% of Asian Americans support a path to citizenship for undocumented immigrants in the United States.
- ▶ This represents a dramatic change from 2008, when just 32% of Asian Americans supported a path to citizenship for undocumented immigrants in the country.
- ▶ 54% of Asian Americans indicate that visa backlogs are a significant problem for their families, with 38% indicating that it is a “very serious” or “fairly serious” problem.
- ▶ Among national origin groups, concern about visa backlogs is highest among Indians (67%), Hmong (66%), Vietnamese (51%), and Filipinos (48%).

From Opinions of Asian Americans and Pacific Islanders: U.S. Immigration Policy, National Asian American Survey (2012). Available at : <http://naasurvey.com/reports/immigration2013.html>

are often not recognized by American employers, leaving many women to resort to lower-paying jobs in the informal economy. Furthermore, others may not be employed at all, as they are at home taking care of their families and children and thus supporting the next generation of Americans.

Within the broader Asian American undocumented population are many students and youth brought to the United States at a young age by parents committed to forging a better life for their families. In fact, an estimated 65,000 undocumented immigrant students, from all backgrounds, graduate from U.S. high schools every year. Many of these young individuals have known no other country than the United States yet face the threat of deportation to a country entirely foreign to them. Despite their skills, talents, and desire to give back to the United States, limited educational and

employment opportunities exist even though their families have often paid taxes to support higher educational institutions in this country.

In 2012, the United States Citizenship and Immigration Services (USCIS) rolled out the Deferred Action for Childhood Arrivals (DACA) program, which provides two years of temporary relief from deportation for eligible undocumented young immigrants, and work authorization. These individuals must submit evidence related to date of birth, age upon entry, continuous residency, educational enrollment or military service, absence of certain criminal convictions, and not posing a threat to national security or public safety. As of August 2013, USCIS reported accepting for processing 7,741 applications from South Koreans, 3,874 applications from Filipinos, 3,005 applications from Indians, and 1,539 applications from Pakistanis.⁴⁰ While Asian American organizations working with undocumented youth know there are sizable populations of eligible applicants from various Asian countries, the application rates for these communities appear to be lower than those eligible. In fact, among applicants eligible for DACA, an estimated 6% are Asian nationals yet they make up only 4.2% of individuals who have sought such relief.⁴¹ While deferred action offers much-needed temporary relief, it does not provide a path to permanent residency or citizenship and cannot be extended to family members.

Due Process and the Path to Citizenship

A pathway to citizenship is crucial to ensuring immigrants are able to become full members of American society, yet many are barred from this opportunity due to trivial mistakes made in their past. For individuals who have committed criminal offenses, even for those who have green cards, the roadmap to citizenship becomes virtually non-existent. Much of this stems from provisions within the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) enacted in 1996. These policies resulted in the expansion of the definition of criminal offenses, known as “aggravated felonies,” which can trigger mandatory deportation with little relief. The current list

of such offenses includes nonviolent and minor crimes, such as possession of more than 30 grams of marijuana or theft where the length of imprisonment is more than one year. In many cases, even if the sentence in the initial criminal case was suspended, deportation consequences may still apply. In addition, immigration judges have also lost considerable power in exercising discretion in sympathetic cases. Despite the fact that these individuals already served time and many have since

rehabilitated and established families here, immigration judges can no longer consider these factors in adjudicating their deportation.

Southeast Asian immigrants, many of whom obtained green cards after arriving here and seeking safety as refugees, have been among the most affected within the Asian American community by these harsh policies. In fact, as of September 2009, the United States returned 212 such refugees back to Cambodia, a country many of them had initially

STORY: LUNDY KHOY

The story of Lundy Khoy, who came to the U.S. from Cambodia at the age of one, exemplifies the unfortunate harshness of immigration laws punishing those who committed minor criminal offenses:

Lundy Khoy was born in a Thai refugee camp to Cambodian parents fleeing the war that tore their country apart. When Lundy was a year old, she and her family were granted U.S. permanent residency, and Lundy was raised as an all-American kid. Unfortunately, in 2000 when she was 19, she fell in with a bad crowd. After a night of partying, a police officer asked her if she had any drugs. She truthfully told him she had several tabs of ecstasy, which resulted in her arrest for possession with intent to distribute. Under the advice of her lawyer, Lundy pled guilty and was given a 5 year sentence. Due to her good behavior, she was released after 3 months and placed on supervised probation. Lundy went back to school, and began to work to get her life back on track.

Towards the end of her probation period in 2004, Lundy went to visit her probation officer for what she thought would be a routine visit. She was looking forward to finally finishing out her sentence, and even brought her latest report card from college to display proudly as proof that she was turning her life around. To her surprise and horror, she was immediately detained by Immigration and Customs Enforcement (ICE) officers

and taken to Hampton prison in southern Virginia, where she was informed that she would be deported to Cambodia. Lundy received no warning before being incarcerated for almost 9 months during her deportation hearings and initial attempts by ICE to deport her.

.....
She's doing her best to abide by the laws of the country she loves and the only country she's ever called home: the United States of America.
.....

After being told by the Cambodian government that it wouldn't accept a person who has no ties to its country, ICE had to release her. Lundy returned to her family and went back to work and to school. She is now close to completing the Bachelor's Degree in Communications that she has had to earn part-time while working for the last 6 years as an enrollment advisor with a local university.

Lundy pays her taxes and regularly volunteers with local charities, including Habitat for Humanity, March of Dimes, and Boys and Girls Clubs of America. She complies with what ICE tells her, filling out their forms and reporting to their offices whenever they summon her. She's doing her best to abide by the laws of the country she loves and the only country she's ever called home: the United States of America.

Lundy Khoy is a brave leader with the Southeast Asia Resource Action Center (SEARAC). For video on her story, visit: http://youtu.be/6KT_ZSiucRY.

From *Save Lundy: The Story of an American Girl* by the Southeast Asia Resource Action Center (2014).

fled out of fear of persecution.⁴² In effect, many Asian American women and their families who endure this process are essentially punished twice for the same crime – once by the criminal justice system and again by the immigration system – and locking them out of a roadmap to citizenship only compounds the severity of their punishment for a single minor offense.

Recommendations

Any roadmap to citizenship must be open, affordable, and accessible to all immigrant women. Asian American women should not be excluded merely because their work may be in the home or within the informal economy. Youth who have only known the United States as their home, have overcome obstacles, and achieved academic success deserve the chance to stay here permanently and contribute to the economy and society. Individuals who have committed minor offenses should not be blocked from attaining citizenship merely due to mistakes they have made in the past.

Specifically, NAPAWF calls upon policy makers to establish an accessible, affordable, and timely roadmap to citizenship for all immigrants that:

- Recognizes the work of women employed in the informal sector or working as homemakers;
- Does not include exorbitant and unreasonable filing fees and fines;

- Allocates sufficient funding for federal immigration agencies to process immigration applications, including those for naturalization;
- Provides equal employment-based immigration opportunities and workplace protections for immigrant women;
- Supports the Development, Relief, and Education for Alien Minors (DREAM) Act, which would provide a timely roadmap to citizenship for undocumented young people;
- Allows students who attend and graduate from U.S. high schools to be eligible for in-state tuition rates at public colleges and universities, regardless of their immigration status;
- Removes the retroactive effects related to immigration consequences for criminal offenses under AEDPA and IIRIRA;
- Reverts to pre-1996 definitions of crimes that trigger deportation and ensure that nonviolent and misdemeanor offenses do not bar individuals from obtaining relief or pathways to citizenship;
- Reinstates pre-1996 discretionary rules allowing immigration judges to consider factors such as rehabilitation, societal contributions, length of U.S. residency, and the best interests of children and dependents for those facing deportation.



NAPAWF chapter leaders meeting with Congressional staffers to discuss the impact of immigration reform on Asian American women. 2013.

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CHAPTER 4

PRESERVING FAMILY UNITY

THE IMMIGRATION SYSTEM OF THE UNITED STATES MUST PROTECT THE RIGHT of all families to stay together, regardless of where they come from, what their immigration status is, or whom they love. One of the core tenets of this country is that all individuals are created equal. Another value is the belief in the sanctity of families. Asian Americans and Asian American women hold dear those very same values regarding the central importance of families. In fact, a 2012 national survey conducted by the Pew Research Center revealed that 67% of Asian Americans consider being a good parent “one of the most important things” in their lives.⁴³ Encouraging robust family networks also benefits the American economy when family members can pool financial resources to start small businesses and create jobs for both native-born and immigrant workers.⁴⁴ As with all Americans, strong families also serve as a much-needed emotional support system for

immigrants in this country, by providing shelter in times of need and a more stable environment for children to be raised.⁴⁵

Yet, the current immigration system has failed all Americans by tearing families apart and keeping them separated. Existing channels for family-based immigration have become woefully outdated, resulting in extreme wait times for visas for Asian American women and their families. Until the recent Defense of Marriage Act ruling, which now will allow same-sex couples the same federal immigration benefits as heterosexual couples, couples in committed same-sex relationships have been denied equal treatment under current family immigration laws.

Harsh enforcement, detention, and deportation programs compromise Asian American women’s safety and rights while undermining our country’s values. And if immigration policy remains under

WAIT TIMES FOR FAMILY-BASED VISA ELIGIBILITY FOR APPLICANTS FROM CERTAIN ASIAN COUNTRIES (OCTOBER 2014)⁴⁹

FAMILY PREFERENCE CATEGORY	CHINA	INDIA	PHILIPPINES	ALL OTHER COUNTRIES (except Mexico)
Unmarried adult children of U.S. citizens	7 years	7 years	10 years	7 years
Spouses and children of green card holders	1 year	1 year	1 year	1 year
Unmarried adult children of green card holders	7 years	7 years	11 years	7 years
Married adult children of U.S. citizens	11 years	11 years	21 years	11 years
Siblings of adult U.S. citizens	12 years	12 years	23 years	12 years

Source: U.S. Department of State, *Visa Bulletin*, September 2013

the status quo, the government will continue to spend scarce financial resources detaining and deporting parents, bear the burden of foster care for children left behind, and incentivize individuals staying here unlawfully simply to remain with their families.

Family-Based Immigrant Visa Backlogs

Under the current family-based immigration system, U.S. citizens and green card holders can sponsor certain categories of family members to join them here. Spouses, unmarried minor children, and parents of adult U.S. citizens are considered “immediate relatives,” which means there is virtually no limit on the number of visas issued to them annually and wait

times are relatively short. However, for other types of familial relationships, visas are much more limited and are based upon various factors, including age, marital status of the beneficiary, immigration status of the sponsor, and the type of family relationship. In addition, each country is allocated the same number of family-based visas annually, regardless of how many or how few immigrants actually apply from there.

Immigrant women disproportionately rely upon the family-based immigration system to come to the United States. Over 70% of all immigrant women obtain legal status through family-based visas, and over 57% of family-sponsored green card holders in 2004 were women.⁴⁶ Additionally, despite the fact that Asian Americans comprise 6% of the United

STORY: J.H.

J.H.’s story is one of many devastating stories of how the outdated family immigration system has kept loved ones apart.

J.H. is a brave and fierce NAPAWF sister who decided to share her heart wrenching visa backlog story. J.H.’s father had a career that took their family from continent to continent. As such, J.H. was born in South Korea whereas her older sister was born in the United States. During their teenage years, her older sister decided to move back from Korea to the United States to attend college. During a family trip to America, J.H.’s mother realized that there was a growing cultural divide between her two daughters and made a decision to keep the family together by migrating to the United States permanently. Since J.H.’s sister was a U.S. born citizen, all the visa petitions for legal permanent residency for her family came through her. While the application was pending, J.H. was allowed to stay in America under the condition that she was not permitted to leave the country. Her parents received their green cards in a year’s time, and J.H. continued to wait patiently. Four years went by where she attended college and even went on to pursue her PhD.

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Our immigration system failed J.H., who continues to carry her silent grief, because of the family based visa backlogs that we still face today.

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In 2004, during her PhD program years, her father became sick. Due to the high cost of health insurance and medical fees, J.H.’s father decided to return to Korea to seek medical attention where medical costs were more affordable. While in Korea, her father’s health deteriorated, and he was diagnosed with a rare form of cancer. Soon after, J.H.’s sister and mother flew to Korea to care for her father. Unfortunately, due to J.H.’s pending visa status, she was not permitted to leave the country. If she left, she risked the chance of refusal for reentry back into America. J.H. was faced with one of the most devastating decisions of her life. She was torn apart by what she desperately wanted to do and logically what she was advised to do by family and lawyers. Four months later, her father passed away.

In 2010, J.H.’s visa petition was finally approved, and she received permanent legal status. It was a bittersweet moment for J.H. as this green card came six years too late. Missing her father’s last days will be a regret forever buried in her heart. Our immigration system failed J.H., who continues to carry her silent grief, because of the family based visa backlogs that we still face today.

J.H. is a fierce NAPAWF sister who bravely shared her story.

**FAMILY-BASED GREEN CARD APPLICANTS FOR
SELECTED ASIAN COUNTRIES OF ORIGIN (FY 2013)** ⁵⁰

COUNTRY OF ORIGIN	APPLICANTS
Philippines	462,145
India	332,846
Vietnam	267,281
China (Mainland-born)	240,637
Bangladesh	161,896
Pakistan	115,903

Source: U.S. Department of State, Annual Report of Immigrant Visa Applicants in the Family-Sponsored and Employment-Based Preferences Registered at the National Visa Center, November 2012

States population, Asian Americans sponsor more than one-third of all family-based immigrants.⁴⁷

As of November 2012, of the over 4.4 million individuals waiting in the family visa backlog, at least 35%, or 1.6 million, are from Asian countries; in fact, six Asian countries rank among the top 12 countries with the largest number of applicants in the backlogs.⁴⁸ This means that certain United States citizens petitioning for their adult children and siblings in Asia must wait between 7 and 23 years, and green card holders petitioning for their married adult children must wait between 11 and 21 years to be eligible for immigrant visas.

As reflected by J.H.'s story, the effects of such extreme wait times have repercussions, not only for Asian American women, but for the country as a whole. Many Asian American women must be separated from their spouse or children abroad for years. It is also not uncommon for waits to become so long that sponsored minor children become adults or get married, thus shifting them into a different visa category and lengthening their wait times even further. Those with pending family-based immigration applications also find it nearly impossible to get even tourist visas to visit the United States, as the government fears that these family relationships mean they are likely to overstay. In addition, sponsoring green card holders are required to reside in the United States for a requisite period of time, making travel back home challenging. As individuals endure the frustration and pain of waiting abroad to be reunited with family in the United States, it is not surprising that

the most backlogged Asian countries are also the countries of origin for a significant segment of undocumented Asians in the country.

Treatment of Same-Sex Partners in Family-Based Immigration

Until the recent Supreme Court ruling which struck down Section 3 of the Defense of Marriage Act (DOMA), for Asian American women in committed same-sex relationships, immigration laws made keeping the family together virtually impossible. While U.S. citizens and green card holders in non-same-sex marriages are able to sponsor their spouse under the family immigration system (albeit, often facing tremendous hurdles), those in permanent same-sex relationships were completely prohibited from doing so. Even if the couple's marriage, domestic partnership, or civil union had been recognized by a U.S. state or country abroad, same-sex marriages, in part due to the Defense of Marriage Act, were not recognized by the federal government, including for immigration purposes.

According to analyses of 2010 Census Bureau data, nearly 79,200 same-sex couples living in the United States include at least one partner who is currently not a U.S. citizen or was naturalized as a citizen, also known as a "binational couple."⁵¹ While specific figures on Asian American women in such relationships are limited, statistics for the broader Asian American and female populations are revealing. Within all binational same-sex couples, approximately 14% of non-citizen partners and 7% of U.S. citizen partners are Asian or Pacific Islander⁵², and, among dual non-citizen couples, approximately 10% are Asian or Pacific Islander.⁵³ In addition, nearly one-third of all binational couples and dual non-citizen couples, regardless of race or ethnicity, are women.⁵⁴ Furthermore, among binational couples, non-citizens from the Philippines and Vietnam rank among the top ten countries of birth; among dual non-citizen couples, China and India rank among the top ten.⁵⁵ Nearly 40% of all female and a quarter of all male binational couples, regardless of race or ethnicity, are raising an estimated 17,000 children; more than half of all male and nearly two-thirds of all female dual non-citizen couples are raising more than 7,700 children.⁵⁶

Despite the fact that these couples share the same commitment and often raise families just as other couples do, they have historically been barred from availing themselves of the country's family immigration system. As a result, many either live separated from one another, live together but in exile abroad, or remain in the United States unlawfully under constant fear of deportation. In addition, for many, being forced to live abroad can result in potential threats to personal safety, particularly if they remain in a country with homophobic societal attitudes and laws. Adding to their sense of insecurity, as of April 2013, no Asian countries recognize same-sex couples for immigration purposes, despite the fact that 26 other countries, including the United States, in the world do.⁵⁷

The Supreme Court's ruling on DOMA paves the way for many binational same-sex partners to avail themselves of benefits under the family immigration system. In fact, soon after the ruling, Secretary Napolitano directed USCIS to "review immigration visa petitions filed on behalf of a same-sex spouse in the same manner as those filed on behalf of an opposite sex spouse."⁵⁸ As per DHS guidance, same-sex partners who have married in a U.S. state or foreign country that legally recognizes the marriage as valid can sponsor their spouse for a family based visa. This is this case even if the current U.S. state they reside in does not recognize same-sex marriages. Those who are in domestic partnerships, civil unions, and cannot travel to a marriage equality state or country to legally wed their partner will continue to wait in limbo to obtain federal benefits.⁵⁹ The DOMA ruling also creates a potential pathway for dependents and spouses of nonimmigrant visa holders, such as H-4 dependents of H-1B visa holders and F-2 dependents of student visa holders, as well as allowing U.S. citizens and green card holders in recognized same-sex marriages to sponsor a spouse in removal proceedings.

Impact of Enforcement Programs

In the void left by Congress' failure to enact just and humane immigration reform, harsh enforcement has reached an all-time high in this country. The implementation of federal enforcement programs and passage of state legislation allowing local police to carry out immigration laws have instilled fear within Asian American families. Since

September 11th, programs instituted in the name of national security have targeted South Asian and Muslim men resulting in the deportation of community members and leaving women and families without husbands and fathers. Ramped up detention and deportation of immigrants – including green card holders, temporary workers, refugees, and undocumented immigrants – have not left Asian American communities untouched by its harsh effects. And, often, those who suffer the worst are U.S. citizen children in mixed-status families who face no choice but to be left abandoned when a parent is detained or removed from the country.

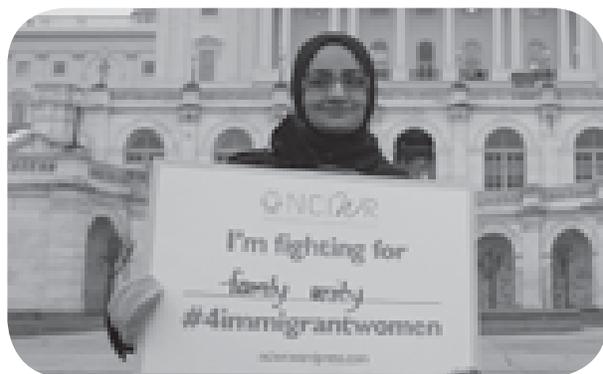
A range of enforcement programs at the federal, state, and local levels has wreaked havoc on Asian American individuals and their families. For example, various enforcement programs have facilitated improper information sharing between law enforcement agencies and immigration authorities. Such policies include the 287(g) program, which authorizes local law enforcement agents to carry out federal immigration laws, and Secure Communities, which allows state and local police to check the fingerprints of individuals being booked into jails against federal immigration databases. As a result, racial profiling and increased deportation of individuals have ensued. In addition, Immigration and Customs Enforcement's (ICE) use of immigration detainers, which are notices to law enforcement agencies informing them that ICE intends to assume custody of noncitizens in order to commence deportation proceedings, has had a negative effect on Asian Americans. While detainers were designed for law enforcement agencies to hold immigrants who committed crimes, the vast majority of those subject to detainers actually have no criminal record.⁶⁰ In fact, between 2007 and 2011, over 17,000 ICE detainers were issued against citizens of Asian countries; yet, in over 77% of the cases, the individual had not been convicted of any crime.⁶¹ While ICE issued a revised detainer policy in December 2012, it has not lessened the impact of detainers upon those without criminal histories.⁶² Furthermore, a number of states have followed in the footsteps of Arizona's S.B. 1070 law that requires local police to conduct immigration status checks of those who pose a "reasonable suspicion" of being undocumented. While the U.S.

Huma Ahmed,
Student from NAPAWF's CYWC program.

Supreme Court has struck down several provisions of Arizona's law, the "papers please" sections still stand. As a result, Asian Americans remain vulnerable to profiling and deportation simply because of their perceived "foreign" appearance, accents, or limited English proficiency.

In addition, statistics show that detention and deportation have by no means left the Asian American community unscathed. India, China, and Vietnam ranked among the top 15 countries whose nationals were apprehended by immigration authorities during FY2011.⁶³ That same year, citizens from the Philippines, China, India, and Burma made up nearly a quarter of all individuals found inadmissible at ports of entry.⁶⁴ Indians made up the sixth largest population of individuals admitted into detention facilities during FY2011.⁶⁵ During FY2011, at least 53,150 citizens of Asian countries were deported, making up over 16% of all those removed from the country; in fact, individuals from the Philippines, China, India, and Burma alone accounted for over 14% of all deportees.⁶⁶

In the aftermath of September 11th, the South Asian community in particular fell in the crosshairs of immigration authorities as the focus shifted towards national security. Soon after the terrorist attacks, Muslim men were rounded up in secret immigration hearings that were closed to the press and even family members. Through a federal program known as the National Security Entry-Exit Registration System (NSEERS), non-immigrant males aged 16 to 45 from 24 predominantly Muslim-majority countries (including Bangladesh, Indonesia, and Pakistan) plus North Korea were required to register with the government. As a result of the program, over 83,000 men registered and were subsequently subjected to interrogations and detention. Ultimately, over 13,000 men were placed in deportation proceedings.⁶⁷ Although these supposed counterterrorism and enforcement measures were focused on men, those who suffered the collateral damage were their wives, mothers, and daughters.⁶⁸ Many women were consequently saddled with significant financial burdens while simultaneously struggling with the emotional and psychological effects of their families being torn



apart. While the NSEERS program was significantly modified by DHS in 2012, the policy remains on the books and the women and children left in its wake continue to grapple with its ongoing effects.

The effects of harsh enforcement measures have been devastating on immigrant women, families, and children, including among Asian Americans. Currently, 5.1 million children of all backgrounds live in mixed-legal status families and four million of these children are U.S. citizens.⁶⁹ The growth of mixed-status families, combined with a lack of sufficient legal channels for migration, means that, as a result of deportation, more families than ever are at risk of being separated for years or even permanently. In fact, between July 2010 and September 2012, the U.S. deported more than 205,000 parents of U.S. citizen children.⁷⁰ When parents are detained or deported, children are at risk of ending up in the child welfare system. The Applied Research Center in November 2011 conservatively estimated that 5,100 children in foster care had parents who had been detained or deported, and that number is expected to grow to 15,000 over the next five years.⁷¹ When parents are trapped within the immigration enforcement system, they often lose any say in how their children are cared for. Furthermore, detention can force parents to be held in remote locations far away from their children. As a result, many parents struggle to regain custody of their children from foster care and may be denied meaningful access to child custody hearings.

Recommendations

A smart immigration system is one that values and prioritizes family unity. This country must create an immigration process that modernizes the family-based immigration system and alleviates

visa backlogs; allows same-sex couples to sponsor their partners and children; recognizes family relationships that include siblings and adult children; terminates programs that allow state and local law enforcement to carry out immigration laws; ends harsh enforcement measures that result in the detention and deportation of low-priority offenders; provides judicial discretion for and protects parental rights of those ensnared in immigration enforcement programs; and decreases detention.

Specifically, NAPAWF calls upon policy makers to:

- Increase the total number of family-based visas allocated annually as well as per-country caps in order to shorten current backlogs;
- Reclassify spouses and minor children of green card holders as “immediate relatives” so they are not subject to per-country visa caps;
- Recapture previously unused visas to be applied towards current family-based immigration visa backlogs and permit rollovers of unused visas to be applied for future flows;
- Preserve family immigrant visa sponsorship categories that include siblings and adult children;
- Allow discretion to waive bars of admission for those who qualify for visas, or in situations where denying admission would cause extreme hardship to a United States citizen, green card holder spouse, or child;
- Allow U.S. citizens and green card holders in permanent same-sex relationships to sponsor partners abroad under the family immigration system;
- Issue formal guidance to ensure uniformity within DHS in adjudicating applications from same-sex couples, following the Supreme Court ruling on DOMA;
- Recognize marriage, civil unions, and domestic partnerships between same-sex partners for immigration purposes

Ai-Jen Poo, Dr. Karen Panetta, Mee Moua, Susan Martin, and Jennifer Ng'andu swearing in prior to testifying before Senate Judiciary Committee hearing on “How Comprehensive Immigration Reform Should Address the Needs of Women and Families” (March 2013).

regardless of whether the state and country of where the ceremony took place recognizes it;

- Ensure that immigration-related applications from same-sex and non-same-sex couples are held to the same evidentiary requirements;
- End enforcement programs, such as 287(g) and Secure Communities, that authorize state and local police to enforce federal immigration laws;
- Repeal state legislation that allow state and local law enforcement to carry out federal immigration laws;
- Rescind all regulations pertaining to the National Security Entry-Exit Registration System so that it cannot be reinstated in the future;
- Restore judicial discretion and due process to immigration proceedings;
- Amend provisions of the 1996 immigration and antiterrorism laws that require mandatory detention and deportation for immigrants who commit certain nonviolent crimes and permit expedited removal for those apprehended at ports of entry;
- Establish enforceable and legally binding detention standards that will increase access to family members and counsel;
- Support non-custodial alternatives to detention that allow individuals in deportation proceedings who pose no flight risk or threat to the community to remain with family members;
- Form investigation into abuses at existing detention centers and put a moratorium on building more detention centers.



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CHAPTER 5 ENSURING HEALTH ACCESS AND EQUITY

THE ENACTMENT OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT (ACA) in 2010 was a monumental milestone towards increasing accessible health care for Americans. As a result of this policy, following implementation, more individuals are expected to have health insurance, women will not be charged higher premiums by insurance companies due to their gender or pre-existing conditions, health insurance exchange marketplaces will be established, and eligibility for Medicaid will be expanded. As of August 2012, various preventive services related to women's health are now covered without cost-sharing requirements, including well-woman visits, gestational diabetes screening, human papillomavirus testing, sexual transmitted infection counseling, HIV screening and counseling, contraception and contraceptive counseling, breastfeeding support, and domestic violence screening and counseling.⁷²

As the ACA rollout continues into 2014 and beyond, Asian American women will benefit from its provisions. Currently, more than 2.3 million Asian Americans are uninsured.⁷³ Health conditions common among Asian American women include breast cancer, cervical cancer, diabetes, heart disease, Hepatitis B, HIV/AIDS, liver cancer, mental health issues⁷⁴ and suicide, and tuberculosis.⁷⁵ In fact, one study showed that Asian American women have lower Pap test screening rates than their White counterparts, despite higher cervical cancer mortality rates.⁷⁶ Many within the Asian American community lack mental health coverage, including Vietnamese and other refugee populations who have suffered great trauma.⁷⁷ Previously, many were unable to access screenings, preventive

Health Conditions Common in Asian American Women:

Breast cancer; Cervical cancer; Diabetes; Heart disease; Hepatitis B; High blood pressure; High cholesterol; HIV/AIDS; Liver cancer; Lupus; Mental health issues and suicide; Osteoporosis; Obesity; Sexually transmitted infections; Stomach cancer; Tuberculosis; Violence

Source: U.S. Department of Health and Human Services, Office on Women's Health

care, and treatment services due to language and cultural barriers, cost, and bureaucracy; the ACA will alleviate some of those burdens with provisions such as covered preventive care, grants to community health workers in underserved areas, and research on cultural competency and reducing health disparities.

Despite the significant achievements enshrined in the ACA, not all immigrant women will be able to access the vital public health benefits and services it provides. Many Asian American women and girls remain unable to obtain affordable health care due to restrictions resulting from their immigration status, such as the current 5-year bar on Medicare and Medicaid for lawful permanent residents, the exclusion of undocumented immigrants from forthcoming health insurance exchanges, and bars on access to ACA programs for those eligible for the Deferred Action for Childhood Arrivals (DACA) program. A haphazard maze of state and federal policies, often with different eligibility criteria depending upon individuals' immigration

status, creates confusion and limits access to health care.⁷⁸ In addition, Asian American women held in immigration detention will continue to face barriers in accessing health care while in confinement.

Access to Public Health Benefits and Programs

The Asian American community heavily relies upon accessible and affordable health insurance programs. More than 1 in 10 Asian Americans are currently enrolled in Medicaid.⁷⁹ For certain populations, such as the Southeast Asian American community, enrollment is as high as 19%.⁸⁰ In particular, certain vulnerable populations, including over 850,000 Asian American, Native Hawaiian, and Pacific Islander children and 180,000 Asian American seniors, rely upon the program.⁸¹ In fact, over 70% of Medicaid beneficiaries are women, and an increasing number of them are women of

color. Despite the strong need for Medicaid within the community, currently, many Asian Americans' eligibility is significantly delayed or blocked due to their immigration status. As a result of welfare reform legislation enacted in 1996, green card holders are barred from accessing Medicaid during the first five years of their stay in the United States unless individual states choose to cover them through state programs. In addition, undocumented immigrants are entirely ineligible for Medicaid, regardless of income level. For Asian American women and children, particularly for those facing life-threatening conditions, waiting five years for affordable health care can determine their very survival. Given high rates of diseases in the community, such as breast cancer, cervical cancer, and HIV, timely detection and treatment can be the difference between life and death. Keeping coverage out of reach for immigrant women and families is unconscionable.

STORY: ANGELA KIM

Stories like Angela Kim's depict the extent of healthcare inaccessibility and the toll it takes on Asian American women and their families:

"Angela Kim was born in South Korea 22 years ago. As her father was a traveling businessman, her family moved from Australia to Brazil and eventually settled in the United States with the hopes of a better life. While she and her family were living in Brazil, Angela got into a severe accident that left her in a coma for two weeks. When she awoke, she discovered that the right side of her body was paralyzed and she had to relearn how to do just about everything. Moving to the United States, her family hoped she could avoid the stigma associated with being disabled that is prevalent in South Korea as well as receive a better education and medical care. Due to complications in her legal paperwork, however, Angela and her family became undocumented and she could not receive proper physical care for her condition. As a result, her body is rapidly deteriorating. The limitations on her physical condition posed in tandem with her undocumented status left her in a state of worsening health and an uncertain future. But Angela eventually realized that she could not let her fear consume her and instead, could use her story to inspire others. She thus came out as undocumented and continues to share her story with others. Today, Angela is a recent graduate from UCLA with a degree in Psychology and hopes to one day become a social worker."

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Moving to the United States, her family hoped she could avoid the stigma associated with being disabled that is prevalent in South Korea as well as receive a better education and medical care.
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From *2012 Policy Platform: Framing Issues and Recommendations to Improve the Lives of Asian American, Native Hawaiian, and Pacific Islander Communities* by the National Council of Asian Pacific Americans (2012). Available at <http://ncapaonline.org/wp-content/uploads/2014/09/NCAPA-2012-Policy-Platform.pdf>.

For undocumented Asian American women, the situation is even more dire. They will not be allowed to purchase even private health insurance with their own funds through the new health insurance exchanges. In addition, as of August 2012, young individuals who became eligible for temporary stays from deportation through DACA were explicitly barred from accessing various health insurance options. Numerous young undocumented Asian Americans, including 7,408 South Koreans, 3,615 Filipinos, 2,835 Indians, and 1,425 Pakistanis, applied for DACA as of August 2013, yet their health remains in jeopardy.⁸² These bars exist, despite the fact that those who receive non-DACA deferred action can enroll in certain state Medicaid and Children's Health Insurance Program (CHIP) options, will be able to purchase private insurance, and can apply for financial assistance through health insurance exchanges.⁸³ As a result, DACA-eligible individuals will face the same restrictions as undocumented individuals and would only be able to obtain health insurance through an employer, assuming it is available and affordable.⁸⁴

Health Care for Women in Detention

Detention of immigrants in the United States continues to be on the rise. In FY2011, an estimated 429,000 immigrants from all countries were admitted into immigration detention, nearly doubling the population from the previous decade.⁸⁵ During FY2011, Indians alone ranked sixth among the countries whose nationals were admitted to detention facilities with over 3,400 detainees.⁸⁶ Among all immigrant detainees, women comprise at least 9% of the daily immigrant detention population.⁸⁷ These detainees are often placed in federal immigration centers as well as state and local jails and private correctional facilities that enter into contracts with the federal government.⁸⁸

Immigrants in detention often face deplorable conditions including limited access to adequate health care. This has particular ramifications for women held in confinement given the unique health care needs of women, including cancer screenings, gynecological services, pregnancy

As committed members of American society, immigrant women should be able to pay their fair share for health care and be included in our health care system regardless of immigration status.

care, family planning services, and mental health services for survivors of gender-based violence.⁸⁹ Yet, current detention policies only ensure access to emergency care and fail to guarantee women detainees' access to life-saving preventive care and treatment solutions. The reality is that Immigration and Customs Enforcement (ICE) agents are essentially gatekeepers who determine whether women detainees are able to obtain basic medical care, such as Pap smears, mammograms, or prenatal care, and often leave requests for medical assistance unheeded.⁹⁰ In addition, frequent transfers of detainees to remote detention facilities and separation from family members can result in gaps in care that can have devastating consequences on women detainees' health.

Recommendations

Immigration reform must advance all immigrant women's access to comprehensive health coverage and basic health care. As committed members of American society, immigrant women should be able to pay their fair share for health care and be included in our health care system regardless of immigration status. For immigrant women in detention, policies and practices must ensure they are not denied preventive screenings and treatment options while they are in confinement. When immigrant women and families cannot seek affordable preventive services and treatment they instead seek it through already stretched and costly emergency systems and are less able to contribute to a healthy workforce. Thus, all Americans bear the cost.

Specifically, NAPAWF calls upon policy makers to:

- Remove the five-year bar on lawfully residing immigrants otherwise eligible for Medicaid and CHIP;
- Allow undocumented immigrants to purchase private coverage in the upcoming health insurance exchanges without subsidies;
- Reverse the exclusion of DACA-eligible immigrants from health programs under the Affordable Care Act, and support legislation allowing access to health benefits for DREAM Act-eligible individuals.

Given high rates of diseases in the community, such as breast cancer, cervical cancer, and HIV, timely detection and treatment can be the difference between life and death. Keeping coverage out of reach for immigrant women and families is unconscionable.



NAPAWF Chicago Chapter Member Nebula Li and Kimberly Inez McGuire from National Latina Institute for Reproductive Health.

6

CHAPTER 6

FREEDOM FROM VIOLENCE

THE POLITICAL WAR BEING WAGED AGAINST WOMEN has increasingly emerged onto the forefront of our national consciousness. As evidenced by the recent legislative battles in Congress around the reauthorization of the Violence Against Women Act (VAWA), even the certainty of protecting women from physical and sexual violence was brought into question. For many women from Asian countries, violence takes many forms, often manifesting itself in domestic violence, persecution in their home countries, or labor and sex trafficking. Immigration status can be an additional insurmountable barrier that blocks their path to safety. For those fleeing violence abroad, attempts at seeking shelter in the United States can be stymied due to conflicting policies around recognizing gender-based violence as a basis for asylum. Even for those who are able to stay temporarily in the United States, their ability to remain permanently and safely in this country can rely upon cooperation from an abusive spouse or exploitative employer. Economic disempowerment entrenched by immigration laws

Economic disempowerment entrenched by immigration laws often prevent women from leaving unsafe situations, such as for dependent visa holders who cannot work due to the terms of their visas or trafficking survivors who are subjected to immigration-related, economic, and physical abuse.

often prevent women from leaving unsafe situations, such as for dependent visa holders who cannot work due to the terms of their visas or trafficking survivors who are subjected to immigration-related, economic, and physical abuse. While numerous policy protections are in place to assist survivors of violence, the road to security can be harrowing and fraught with difficulties, such as stringent requirements imposed on trafficking survivors seeking immigration relief, decreases in support services and financial assistance for resettled refugees, and increased power for police to enforce immigration laws rather than protecting the vulnerable. It is crucial that policy makers strengthen existing measures to protect vulnerable immigrant women within the Asian American community.

Immigration and Domestic Violence

Domestic violence is a devastating reality for women in the Asian American community. While comprehensive national statistics on incidence rates within the broader community do not yet exist, local surveys and studies of specific populations reveal the severity of the issue. For example, a survey of undocumented Filipina women in the San Francisco Bay Area reported that 20% of respondents experienced some form of domestic violence⁹¹; another survey of Filipino college students showed that over 31% of female respondents reported experiencing physical violence by an intimate partner.⁹² Among Korean American women in Chicago, one study found that 60% of those interviewed experienced physical abuse by

an intimate partner sometime in their lives.⁹³ According to a study of Vietnamese women in Boston, 47% reported enduring physical violence by an intimate partner during their lives and 30% indicated it occurred during the prior year.⁹⁴ Among 160 domestic violence-related homicides in Asian American families between 2000 and 2005, 12% of the victims with known ethnicities were Chinese.⁹⁵ One study of South Asian women in the Greater Boston area found that over 40% of participants reported being physically and/or sexually abused by their current male partners in their lifetime; 65% of women reporting physical abuse also reported sexual abuse.⁹⁶

For many Asian American women trapped in violent marriages, securing their stay in the United States can be challenging since maintaining legal status often requires cooperation from the abusive spouse. This dependency allows batterers to exact

control over women, for example, by not filing immigration papers or even threatening deportation. In fact, one study found that one-fifth of immigrant women, from various backgrounds, surveyed reported their spouses had used such immigration-related abuse tactics.⁹⁷ This reality forces many women to choose between two equally disempowering options: remaining in a violent situation or losing their immigration status. In fact, according to one study, a quarter of participants stated immigration status prevented them from leaving abusive relationships.⁹⁸ Severe power disparities resulting from dependent visa statuses can also prevent women from obtaining protection orders, accessing domestic violence services, obtaining custody of children, calling law enforcement for help, or participating in abusers' prosecutions. Conversely, studies have found that domestic violence survivors with stable permanent immigration status are

STORY: HELEN HUANG

The story of Helen Huang shows the severe power disparities that can result from dependent visa statuses, and the importance of retaining and increasing our U-visa category.

“The first time Helen Huang (pseudonym) called the Asian Pacific American Legal Center (APALC), she was eight months pregnant. Her husband had beaten her in the middle of the night, and the police had arrested him. Helen spoke to APALC, but she was not ready to leave her husband. She thought she should try to salvage the marriage because of the baby. A year later, Helen called APALC again - this time from a domestic violence shelter. After her daughter was born, she had tried to save her marriage. But when her husband became violent again, grabbing her hair and throwing her to the

.....
Although Helen had a college degree from China, she could not legally work in the United States (and thus had no financial support) because she did not have a green card.
.....

ground, she decided to leave. To help Helen build a new, safe life, APALC helped her gain sole custody of her daughter and secured her legal immigration status. Although Helen had a college degree from China, she could not legally work in the United States (and thus had no financial support) because she did not have a green card. APALC filed a self-petition for her under the Violence Against Women Act (VAWA), which allows victims of domestic violence to petition for their legal status without relying on an abusive spouse. In just a month, Helen received prima facie approval, which allowed her to access cash benefits. A year later, Helen's VAWA application was approved and through this approval, APALC was able to help Helen apply for and successfully obtain legally permanent residency status, or a green card.”

From Meeting the Challenge: National Platform for Advancing Justice – Policy Priorities and Recommendations for Achieving Equity, Equality, and Justice in Asian American & Pacific Islander Communities by the Asian American Center for Advancing Justice (June 2010). [Asian Pacific American Legal Center (APALC)]

more than twice as likely to contact police as those on temporary visas.¹⁰⁰

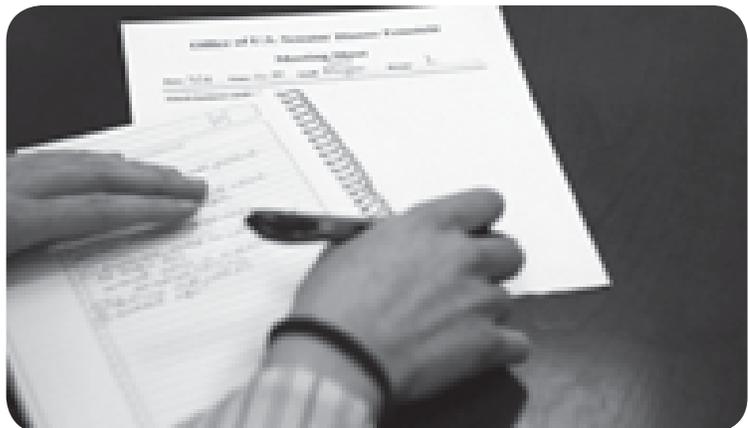
The recent increase of state and local law enforcement agencies carrying out immigration laws has also further jeopardized the safety of Asian American domestic violence survivors as well as those who aid them. When local police are seen as de facto immigration agents, it creates a chilling effect upon women seeking assistance from law enforcement during times of need. In 2010, Arizona South Asians for Safe Families, an organization that provides support to domestic violence survivors, joined a lawsuit challenging the state's SB 1070 law because of its negative effects on clients and staff. Potential consequences of the law included the organization devoting scarce resources to ensure client safety when contacting police, community members fearing arrest due to their appearance or accent when traveling to organizational meetings, and police stopping and detaining clients who had applied for immigration relief but lacked requisite registration documents.¹⁰¹ While the U.S. Supreme Court subsequently struck down various provisions under the law, including those related to registration document requirements, concerns remain as police are still permitted to investigate the immigration status of individuals stopped, detained, or arrested, if there is suspicion that they are undocumented. In addition, federal programs such as 287(g) and Secure Communities also raise similar concerns for domestic violence survivors.

Another factor perpetuating domestic violence is the inability of certain Asian American women to work or access basic services due to restrictions placed on their dependent visas. For example, spouses of H-1B workers, many of whom are from China and India, cannot obtain employment authorization, gain public benefits, or get a social security number.¹⁰² As a result, many women cannot become economically self-sufficient and instead

become more reluctant to leave these relationships. DHS has proposed rules that would allow certain H-4 visa holders the opportunity to gain work authorization in the U.S., although no final policy decision has taken effect.¹⁰³ When the Violence Against Women Act (VAWA) was reauthorized in 2005, it included provisions that allowed abused H-4 visa holders to self-petition for green cards and gain employment authorization. Over seven years later, in December 2012, the U.S. Citizenship and Immigration Services (USCIS) finally issued draft guidance on the issue. While this guidance was an overdue and much-needed step, further information from the agency is still needed regarding applicant confidentiality, duration of work authorization, evidentiary requirements, and cultural competency trainings for application adjudicators.¹⁰⁴

Refugee and Asylum Issues

For over fifty years, the United States has long welcomed individuals and families from Asia fleeing persecution in their home countries. This population includes refugees who apply for immigration status from outside the United States and asylum-seekers who apply while here or at a port of entry. Historically, the United States has admitted refugees from Southeast Asia and, today, the incoming refugee population is rapidly evolving. During FY2011, at least 58%, or 32,450 individuals, of all refugees arriving to the United States were from Asian countries.¹⁰⁵ In fact, Burma and Bhutan were the top two leading countries of nationality for all refugees admitted in FY2011 and FY2012.¹⁰⁶ While there is no national data analyzing refugees from Asia by gender, among all refugees arriving in



FY2012, over 46% were women.¹⁰⁷ During FY2011, at least 10,762 individuals from Asian countries were granted asylum in the United States, making up 43% of all asylees granted relief that year.¹⁰⁸ China was the leading country of nationality for all asylees that year with sizable populations also coming from Nepal, India, and Pakistan.¹⁰⁹

When refugees arrive to the United States, the federal government resettles them in different parts of the country. For those arriving in 2012, the largest populations of Burmese refugees were in Texas, New York, and Indiana, and Bhutanese refugees were in Pennsylvania, Ohio, and Texas.¹¹⁰ The federal government, through partnerships with local resettlement non-profit organizations, provides refugees with various services and benefits.¹¹¹ However, in recent decades, the level of support has steadily decreased. For example, previously, refugees received a minimum of 18 months of transition assistance and could obtain up to three years of cash and medical payments, but today they can only receive a maximum of eight months of support. As a result, many of the local resettlement agencies are expected to make up for these shortfalls.¹¹² Other challenges for resettled refugees include varying degrees of quality for pre-departure orientations prior to arriving to the United States and placement in geographic areas that may not be well-suited to receive them.¹¹³ In addition, resettlement strategies often place undue emphasis on refugees obtaining early employment at the expense of providing long-term services that should be tailored for different refugee populations.¹¹⁴

For women from Asian countries seeking asylum in the United States, numerous challenges prevent them from securing safety in the country. According to current immigration law, absent extenuating circumstances, asylum seekers are required to file their application within one year of arrival; consequently, many have been barred from asylum relief despite demonstrating evidence they will face harm if returned to their home country. While those who demonstrate

a fear of persecution can obtain an alternate form of relief, known as withholding of removal, these individuals are unable to apply for green cards and cannot seek to bring over family members who are abroad. This option results in interminable separation from loved ones often leaving children and spouses remaining abroad in dangerous and life-threatening situations.

Another obstacle facing many asylum seekers is the risk of expedited removal, often without counsel or having their case heard in court, if they lack proper travel documents when entering the country. Furthermore, current immigration policy and case law lacks definitive clarity on how to adjudicate cases involving persecution on the basis of an individual's "particular social group," such as sexual orientation, gender, or gender identity. In December 2009, the Administration announced its intention to address this very issue but has yet to issue regulations.¹¹⁵

Human Trafficking

There is a population of women from Asia living in the United States who arrived here as a result of human trafficking, which is the movement of people that generally involves recruitment, coercion, forced labor, systems of bondage, and fraud.¹¹⁶ The phenomenon typically takes two forms: labor trafficking and sex trafficking. Often human traffickers employ methods such as false promises of lucrative and legitimate work, actual or threatened physical harm, psychological manipulation, confiscation of identity documents, and threat of harm to family members.¹¹⁷ According to the U.S. Department of Justice's Bureau of Justice Statistics, 17% of labor trafficking incidents opened for investigation

NAPAWF Executive Director, Miriam Yeung, calling for justice with NAPAWF PowerUp! participants at the Rally for Immigrant Women. 2013.



STORY: ZAFIRAH

“Zafirah,” a Bangladeshi domestic worker employed by a Middle Eastern diplomat to the United Nations, was forced to work 14 hours a day, seven days a week with no days off. Her wages, equivalent to \$1.03 an hour, were meager, and she was physically and psychologically abused. Confined to her employer’s home, her travel documents were confiscated and travel was restricted. Zafirah was able to report the abuse to authorities but her employer invoked diplomatic immunity, leaving her without legal or economic recourse.

From *Rights to Survival & Mobility: An Anti-Trafficking Activist’s Agenda* by the National Asian Pacific American Women’s Forum (2008). Available at http://napawf.org/wp-content/uploads/2009/10/AT_Agenda.pdf.

between 2008 and 2010 involved Asian survivors.¹¹⁸ Women, including those from Bangladesh, China, India, Nepal, the Philippines, and Vietnam, trafficked into the United States are often employed in the garment industry or as domestic workers.¹¹⁹ Many women endure workplace abuse, including underpayment, long work hours, unsafe working conditions, forced labor without pay, physical violence, and withholding of immigration documentation.¹²⁰ For many, the situation is exacerbated by immigration policies that tie a woman’s stay to her employer, thus making her more reluctant to leave and report abuse. In recent years, there have also been several high-profile cases of Asian women forced to work as domestic workers for diplomats and employees of international organizations, who are often protected from prosecution due to diplomatic immunity, though recent lawsuits have effectively chipped away at this legal defense.¹²¹ In addition, through international marriage brokers, Asian women are also brought into the country as brides only to find that they are placed into servitude by their husbands after they arrive.¹²²

Under the Trafficking Victims Protection Act (TVPA), various immigration-related protections exist for survivors. The T-visa allows survivors to obtain lawful immigration status if they meet various requirements, including proving they are victims of “severe forms of trafficking,” being willing to cooperate with law enforcement in the investigation or prosecution of a trafficker, and showing they would suffer “extreme hardship” if returned to their home country.¹²³ Another form of immigration relief is the U-visa, available to victims of serious crimes who have suffered substantial mental or physical abuse and are willing to assist law enforcement

in the investigation or prosecution of criminal activity.¹²⁴ Additionally, the Board of Immigration Appeals made a historic ruling on asylum claims based on domestic violence, which could be used for relief for thousands of women.

Even seeking these visas, however, can be a risk for many women who may be hesitant to cooperate with law enforcement or, under the T-visa, fear being unable to meet the stringent definition of “severe trafficking.” Furthermore, federal government agencies, such as the Human Smuggling and Trafficking Center, have a combined mission of addressing smuggling and trafficking as well as “clandestine terrorist travel.” As a result, law enforcement adopts approaches that can treat trafficking survivors as potential terrorist threats as opposed to victims in need of assistance, which may have a particularly significant impact on women from South Asian or Muslim countries.¹²⁵ In addition, annual caps of 5,000 T-visas and 10,000 U-visas issued to principal applicants by the government can delay justice and safety for many women.

The T-visa allows survivors to obtain lawful immigration status if they meet various requirements, including proving they are victims of “severe forms of trafficking...”

The U visa [is] available to victims of serious crimes who have suffered substantial mental or physical abuse.

Recommendations

Advancing freedom from violence for Asian American women means terminating programs that allow state and local law enforcement to carry out immigration laws that create a sense of fear, which forces a woman to choose between her own safety and ability to stay in the country; granting dependent visa holders access to self-sufficiency that is independent of the primary visa holder; and expanding protections and relief for asylum seekers and survivors of trafficking.

Specifically, NAPAWF calls upon policy makers to:

- Increase the number of U-visas available annually for survivors of domestic and sexual violence and trafficking;
- Allow H-4 visa holders the ability to work in the United States and establish an employment authorization application process for battered H-4 visa holders that ensures applicant confidentiality, allows them work even if the marriage is terminated, and provides cultural competency trainings for application adjudicators;
- Expand categories of domestic violence survivors who are eligible for green cards through the self-petition process under VAWA;
- Provide adequate funding to refugee resettlement agencies in order to provide holistic and long-term social service and integration support to those fleeing violence;
- Improve pre-departure orientation programs for refugees prior to their arrival;
- Eliminate the one-year filing deadline for asylum applications;
- Ensure refugees and asylum-seekers are not inappropriately placed in expedited removal;
- Issue regulations pertaining to asylum cases that interpret “persecution on the basis of a particular social group” as applying to gender-based and sexual orientation-based claims;
- Eliminate the requirement for T-visa and U-visa applicants that trafficking and domestic violence survivors must participate in the investigation and prosecution of the perpetrator to obtain relief.



NAPAWF St. Cloud members at May Day Rally, St. Paul, MN. 2010.

7

CHAPTER 7

A CALL TO ACTION: SUMMARY OF KEY POLICY RECOMMENDATIONS

IN ORDER FOR OUR IMMIGRATION SYSTEM TO LIVE UP TO the ideals and values of the US Constitution, it is imperative that our immigration laws include a broad and inclusive path to citizenship. It is pivotal that Asian American families are kept together and not subjected to the harsh consequences of long wait times for visas and punitive enforcement measures. It is vital that Asian American women have access to health care, regardless of their immigration status. It is crucial that policy makers strengthen existing measures to protect vulnerable immigrant women, including those seeking shelter from violence, within the Asian American community.



NAPAWF members preparing to meet with their legislatures. 2013.



NAPAWF Bay Area members, May Day Rally. 2011.

Specifically, NAPAWF calls upon federal policy makers to support the following policy measures:

CITIZENSHIP FOR ALL

- Establish an accessible, affordable, and timely roadmap to citizenship for all immigrants;
- Recognize the work experiences of women employed in the informal sector or as homemakers under any proposed process towards a roadmap to citizenship;
- Oppose exorbitant and unreasonable filing fees and fines for any proposed roadmap to citizenship;
- Allocate sufficient funding for federal immigration agencies to process immigration applications, including those for naturalization and any proposed pathway to citizenship;
- Provide equal employment-based immigration opportunities and workplace protections for immigrant women;
- Support the Development, Relief, and Education for Alien Minors (DREAM) Act, which would provide a timely roadmap to citizenship for undocumented young people;
- Support legislation allowing students who attend and graduate from U.S. high schools to be eligible for in-state tuition rates at public colleges and universities, regardless of their immigration status;
- Remove the retroactive effects related to immigration consequences for criminal offenses under AEDPA and IIRIRA;
- Revert to pre-1996 definitions of crimes that trigger deportation and ensure that nonviolent and misdemeanor offenses do not bar individuals from obtaining relief or pathways to citizenship;

- Reinstate pre-1996 discretionary rules allowing immigration judges to consider factors such as rehabilitation, societal contributions, length of U.S. residency, and the best interests of children and dependents for those facing deportation.

PRESERVING FAMILY UNITY

- Increase the total number of family-based visas allocated annually as well as per-country caps in order to shorten current backlogs;
- Reclassify spouses and minor children of green card holders as “immediate relatives” so they are not subject to per-country visa cap;
- Recapture previously unused visas to be applied towards current family-based immigration visa backlogs and permit rollovers of unused visas to be applied for future flows;
- Preserve family immigrant visa sponsorship categories that include siblings and adult children;
- Allow discretion to waive bars of admission for those who qualify for visas, or in situations where denying admission would cause extreme hardship to a United States citizen or green card holder spouse or child;
- Allow U.S. citizens and green card holders in permanent same-sex relationships to sponsor partners abroad under the family immigration system;
- End enforcement programs, such as 287(g) and Secure Communities, that authorize state and local police to enforce federal immigration laws;
- Repeal state legislation that allow state and local law enforcement to carry out federal immigration laws;
- Rescind all regulations pertaining to the National Security Entry-Exit Registration System so that it cannot be reinstated in the future;
- Restore judicial discretion and due process to immigration proceedings;

- Amend provisions of the 1996 immigration and antiterrorism laws that require mandatory detention and deportation for immigrants who commit certain nonviolent crimes and permit expedited removal for those apprehended at ports of entry;
- Establish enforceable and legally binding detention standards that will increase access to family members and counsel;
- Support non-custodial alternatives to detention that allow individuals in deportation proceedings who pose no flight risk or threat to the community to remain with family members.

ENSURING HEALTH ACCESS AND EQUITY

- Remove the five-year bar on lawfully residing immigrants otherwise eligible for Medicaid and CHIP;
- Allow undocumented immigrants to purchase private coverage in the upcoming health insurance exchanges;
- Reverse the decision excluding DACA-eligible immigrants from health programs under the Affordable Care Act;
- Require immigration detention facilities to provide medical care that addresses all detainee health needs by maintaining accreditation based on correctional health care standards, having on-site health care providers, instituting medical and mental health intake screenings, mechanisms for detainees to request medical care, and maintenance of detainee medical records;
- Increase the number of U-visas available annually for survivors of domestic and sexual violence and trafficking;
- Allow H-4 visa holders the ability to work in the United States and establish an employment authorization application process for battered H-4 visa holders that ensures applicant confidentiality, allows them to work even if the marriage

is terminated, and provides cultural competency trainings for application adjudicators;

- Expand categories of domestic violence survivors who are eligible for green cards through the self-petition process under VAWA.

FREEDOM FROM VIOLENCE

- Provide adequate funding to refugee resettlement agencies in order to provide holistic and long-term social service and integration support to those fleeing violence;
- Improve pre-departure orientation programs for refugees prior to their arrival;
- Eliminate the one-year filing deadline for asylum applications;
- Ensure refugees and asylum-seekers are not inappropriately placed in expedited removal;
- Issue regulations pertaining to asylum cases that interpret “persecution on the basis of a particular social group” as applying to gender-based and sexual orientation-based claims;
- Eliminate the requirement for T-visa and U-visa applicants that trafficking and domestic violence survivors must participate in the investigation and prosecution of the perpetrator to obtain relief.



Longtime community activists and former SNCC organizer, Betty Garman Robinson; NAPAWF Executive Director, Miriam Yeung and NDWA Director Ai-Jen Poo during 'We Belong Together' Human Rights Delegation to Georgia, 2011



We Belong Together's A Wish for the Holidays youth representatives meeting with House of Representatives Leader, Nancy Pelosi, discussing the urgency of immigration policy reform and keeping families together.

LEADING CHANGE THROUGH PARTNERSHIP EFFORTS

CURRENT

We Belong Together (WBT)

We Belong Together was formed on Mothers' Day 2010 when a group of women traveled to Arizona in the wake of the passage of the anti-immigrant law SB1070 to investigate how the new law would affect women, children and families in that state. With the participation of women's organizations, immigrant rights groups, children, and families across the country, WBT mobilizes women in support of common-sense immigration reform that will keep families together and empower women. We Belong Together is an initiative and joint campaign of the National Asian Pacific American Women's Forum and the National Domestic Workers Alliance.



Senator Mazie Hirono from Hawaii, discussing the need for immigration reform to address the needs of immigrant women and families at the "We Belong Together, Women Standing Together for Immigration Reform" Mobilization. (June 2013).

National Council of Asian Pacific Americans (NCAPA)

The National Council of Asian Pacific Americans, founded in 1996, is a coalition of over thirty national Asian American and Native Hawaiian (AA and NHPI) organizations around the country. Based in Washington DC, NCAPA serves to represent the interests of AA and NHPI communities and to provide a national voice for AA and NHPI issues. NAPAWF is one of the eight organizations leading the Asian American Pacific Islander (AAPI) Immigration Table, which is convened to mobilize the AAPI community to lift up its voice and impact policy in order to achieve more just and humane immigration reform. Additionally, as a coalition member, NAPAWF holds leadership positions on the NCAPA Executive Committee, the Immigration Committee, and the Health Committee.

PAST

National Coalition for Immigrant Women's Rights (NCIWR)

The National Coalition for Immigrant Women's Rights is comprised of grassroots and national advocacy organizations that defend and promote equality for all immigrant women and their families living and working in the United States. NCIWR advocates at the national, state and local levels for comprehensive immigration reform, fair and non-discriminatory implementation of our immigration and enforcement policies, and reproductive and economic justice for immigrant women. NAPAWF sits on NCIWR's steering committee, along with the Women's Refugee Commission and the National Latina Institute for Reproductive Health.



The National Coalition for Immigrant Women's Rights, staff members of NAPAWF, the Women's Refugee Commission, and the National Latina Institute for Reproductive Health join in solidarity, rallying for immigrant women, youth, and families in Washington, DC. (March 2013).

Women's Policy Table

Led by the Women's Refugee Commission and co-anchored by NAPAWF and National Latina Institute for Reproductive Health, the *Women's Policy Table* is a table of women, families, and immigrant rights organizations advocating for immigration policy reform. The table's primary goal is to lead efforts and strategies to influence immigration policy reform with a sharp lens on including accessible and protected pathways to citizenship for women and their families as U.S. immigration policy takes shape.



Former NAPAWF Board Chair Priscilla Hung and Treasurer Linda Yang march for immigrant rights.

NOTES

1. U.S. Census Bureau News, *Asian Pacific Heritage Month: May 2013* (2013). Available at https://www.census.gov/newsroom/releases/pdf/cb13ff-09_asian.pdf.
2. U.S. Census Bureau, Census 2010 Summary File 2, QT-P1. Figures are for the inclusive population, single race and multirace combined and are not exclusive of Hispanic origin.
3. Thomas Gryn and Christine Gambino, *The Foreign Born From Asia: 2011, American Community Survey Briefs*, U.S. Census Bureau (2012). Available at <http://www.census.gov/prod/2012pubs/acsbr11-06.pdf>.
4. Asian American Center for Advancing Justice, *A Community of Contrasts: Asian Americans in the United States: 2011* (2011). Available at http://www.advancingjustice.org/pdf/Community_of_Contrast.pdf.
5. Jeffrey S. Passel and D'Vera Cohn, *U.S. Population Projections: 2005–2050*, Pew Research Center (2008). Available at <http://www.pewsocialtrends.org/files/2010/10/85.pdf>
6. *Supra*, note 4.
7. *Id.*
8. *Id.*
9. U.S. Census Bureau, “Press Release: 2010 Census Shows Multiple-Race Population Grew Faster Than Single-Race Population” (September 27, 2012). Available at <http://www.census.gov/newsroom/releases/archives/race/cb12-182.html>.
10. U.S. Census Bureau, *Selected Population Profile in the United States, 2009–2011 American Community Survey, 3-Year Estimates, S0201*. Figures are for the inclusive population, single race and multirace combined. In tabulating the foreign-born population, the Census Bureau utilizes a broad definition of “Asia”, which includes Eastern Asia (including China, Macau, Mongolia, Hong Kong, Japan, North Korea, the Parcel Islands, South Korea, and Taiwan); South Central Asia (including Afghanistan, Bangladesh, Bhutan, India, Iran, Kazakhstan, Kyrgyzstan, Maldives, Nepal, Pakistan, Sri Lanka, Tajikistan, Turkmenistan, and Uzbekistan); South Eastern Asia (including Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Timor-Leste, and Vietnam); and Western Asia (including Armenia, Azerbaijan, Bahrain, Cyprus, Georgia, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabi, Syria, Turkey, United Arab Emirates, and Yemen) See Thomas Gryn and Christine Gambino, *The Foreign Born from Asia: 2011, American Community Survey Briefs* U.S. Census Bureau (October 2012). Available at <http://www.census.gov/prod/2012pubs/acsbr11-06.pdf>. For the purposes of this report, the number of foreign-born women in the United States born in Asia only includes figures of those born in Eastern, South Central, and South Eastern Asia.
11. American Immigration Council, Immigration Policy Center, *Immigrant Women in the United States: A Portrait of Demographic Diversity* (2010). Available at http://www.immigrationpolicy.org/sites/default/files/docs/Immigrant_Women_in_the_US_-_A_Portrait_of_Diversity_062810.pdf.
12. *Id.*
13. *Id.*
14. U.S. Census Bureau, *Selected Population Profile in the United States, 2009–2011 American Community Survey, 3-Year Estimates, S0201*.
15. Randall Monger and James Yankay, *Annual Flow Report: U.S. Legal Permanent Residents: 2012*, U.S. Department of Homeland Security, Office of Immigration Statistics, Policy Directorate (March 2013). Available at http://www.dhs.gov/sites/default/files/publications/ois_lpr_fr_2012_2.pdf.
16. *Supra*, note 11.
17. Bryan Baker, *Population Estimates: Estimates of the Size and Characteristics of the Resident Nonimmigrant Population in the United States: January 2011*, U.S. Department of Homeland Security, Office of Immigration Statistics, Policy Directorate (September 2012). Available at http://www.dhs.gov/sites/default/files/publications/immigration-statistics/ois_ni_pe_2011.pdf.
18. Daniel C. Martin and James E. Yankay, *Annual Flow Report: Refugees and Asylees: 2012*, U.S. Department of Homeland Security, Office of Immigration Statistics, Policy Directorate (April 2013). Available at http://www.dhs.gov/sites/default/files/publications/ois_rfa_fr_2012.pdf.
19. Michael Hoefler, Nancy Rytina, and Bryan Baker, *Population Estimates: Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011*, U.S. Department of Homeland Security, Office of Immigration Statistics, Policy Directorate (January 2011). Available at http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2011.pdf.
20. *Id.*
21. *Id.*; and Bryan Baker and Nancy Rytina, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2012*, U.S. Department of Homeland Security, Office of Immigration Statistics, Policy Directorate (January 2012). Available at http://www.dhs.gov/sites/default/files/publications/ois_ill_pe_2012_2.pdf.
22. *Supra*, note 10
23. *Supra*, note 11.
24. *Supra*, note 10.
25. *Id.*
26. *Id.*
27. *Supra*, note 4.
28. *Id.*
29. Linda Burnham and Nik Theodore, *HomeEconomics: The Invisible and Unregulated World of Domestic Work*, National Domestic Workers Alliance, Center for Urban Economic Development, University of Illinois at Chicago, and DataCenter (2012). Available at <http://www.domesticworkers.org/pdfs/HomeEconomicsEnglish.pdf>.
30. White House Initiative on Asian Americans and Pacific Islanders, “Fact Sheet: Commonsense Immigration Reform and the AAPI Community.” Available at <http://www.ed.gov/edblogs/aapi/files/2013/04/WHIAAPI-Immigration-Fact-Sheet.pdf>.
31. *Supra*, note 11.
32. National Council of Asian Pacific Americans, *2012 Platform: Framing Issues and Recommendations to Improve the Lives of Asian American, Native Hawaiian, and Pacific Islander Communities* (2012). Available at http://www.ncapaonline.org/index_116_705981300.pdf.
33. Asian American Justice Center, Asian and Pacific Islander American Vote, and National Asian American Survey, *Behind the Numbers: Post-Election Survey of Asian American and Pacific Islander Voters in 2012* (April 2013). Available at <http://www.naasurvey.com/resources/Presentations/2012-aapipes-national.pdf>.
34. *Id.*
35. Karthick Ramakrishnan (UC Riverside) and Taeku Lee (UC Berkeley), *Public Opinion of a Growing Electorate: Asian Americans and Pacific Islanders in 2012*, National Asian American Survey (September 2012; revised October 2012). Available at <http://www.naasurvey.com/resources/Home/NAAS12-sep25-election.pdf>.

36. *Supra*, note 21.
37. Michael Hoefler, Nancy Rytina, and Bryan Baker, *Population Estimates: Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011*, U.S. Department of Homeland Security, Office of Immigration Statistics, Policy Directorate (March 2012). Available at http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2011.pdf.
38. Women's Refugee Commission, "Women and Immigration Reform: Key Facts and Figures" citing Jeffrey Passel and D'Vera Cohn, *A Portrait of Unauthorized Immigrants in the United States*, Pew Hispanic Center (April 2009). Available at <http://www.pewhispanic.org/files/reports/107.pdf>.
39. For general information regarding Asian American workers, see Asian Pacific American Labor Alliance, *Breaking Ground, Breaking Silence: Report from the First National Asian Pacific American Workers' Rights Hearing*. Available at http://www.apalanet.org/images/stories/BreakingGround_BreakingSilence_FINAL.pdf.
40. U.S. Citizenship and Immigration Services, *Number of I-821D, Consideration of Deferred Action for Childhood Arrivals by Fiscal Year, Quarter, Intake, Biometrics and Case Status: 2012-2014 First Quarter* (2014). Available at <http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA-06-02-14.pdf>.
41. Audrey Singer and Nicole Prchal Svajlenka, *Immigration Facts: Deferred Action for Childhood Arrivals (DACA)*, Brookings Metropolitan Policy Program (August 14, 2013). Available at http://www.brookings.edu/~media/research/files/reports/2013/08/14-daca/daca_singer_svajlenka_final.pdf. See also Immigration Policy Center, American Immigration Council, *Who and Where the DREAMers Are, Revised Estimates: A Demographic Profile of Immigrants Who Might Benefit from the Obama Administration's Deferred Action Initiative* (October 2012). Available at <http://www.americanimmigrationcouncil.org/just-facts/who-and-where-dreamers-are-revised-estimates>. See also Jeanne Batalova, Sarah Hooker, and Randy Capps with James D. Bachmeier and Erin Cox, *Deferred Action for Childhood Arrivals at the One-Year Mark: A Profile of Currently Eligible Youth and Applicants*, Migration Policy Institute (August 2013). Available at <http://www.migrationpolicy.org/pubs/CIRbrief-DACAatOneYear.pdf>.
42. Walter Leitner International Human Rights Clinic, Returnee Integration Support Center, *Removing Refugees: U.S. Deportation Policy and the Cambodian-American Community* (Spring 2010). Available at http://www.leitnercenter.org/files/2010%20Cambodia%20Report_FINAL.pdf.
44. Pew Research Center, *The Rise of Asian Americans* (Updated edition: April 4, 2013). Available at <http://www.pewsocialtrends.org/2012/06/19/the-rise-of-asian-americans/6/#chapter-5-family-and-personal-values>.
44. Harriet Duleep, "Is Family-Based Immigration Good for the U.S. Economy?" *Testimony of Harriet Duleep, Professor, Thomas Jefferson Program in Public Policy, The College of William and Mary, before the U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law* (May 2007).
45. Stewart J. Lawrence, *Divided Families: New Legislative Proposals Would Needlessly Restrict Family-Based Immigration*, Immigration Policy Center (2007). Available at <http://www.immigrationpolicy.org/sites/default/files/docs/Divided%20Families%20w%20Carnegie.pdf>
46. Women's Refugee Commission, "Women and Immigration Reform: Key Facts and Figures." See also Kelly Jeffreys, *Characteristics of Family-Sponsored Legal Permanent Residents: 2004*, U.S. Department of Homeland Security, Office of Immigration Statistics, Management Directorate (October 2005). Available at <http://www.dhs.gov/xlibrary/assets/statistics/publications/FSFamSponsoredLPR2004.pdf>.
47. *Supra* note 32. Citing U.S. Department of State, *Report of the Visa Office* (2011). Available at http://www.travel.state.gov/visa/statistics/statistics_5641.html.
48. U.S. Department of State, *Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based preferences Registered at the National Visa Center as of November 1, 2012*. Available at <http://www.travel.state.gov/pdf/WaitingListItem.pdf>.
49. U.S. Visas, U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin for October 2014, Number 73, Volume IX* (2014). Available at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin/2015/visa-bulletin-for-october-2014.html>.
50. *Supra*, note 48.
51. Craig J. Konnoth and Gary J. Gates, *Same-sex Couples and Immigration in the United States*, The Williams Institute (November 2011). Available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-Konnoth-Binational-Report-Nov-2011.pdf>.
52. *Id.*
53. *Id.*
54. *Id.*
55. *Id.*
56. *Id.*
57. Press Release, *Leahy Introduces Bill To Bring Equality To Lawful Partners In Immigration Law* (April 14, 2011). Available at http://leahy.senate.gov/press/press_releases/release/?id=1ab23875-4703-466a-ba35-846d7d20d985.
58. U.S. Department of Homeland Security, *Implementation of the Supreme Court Ruling on the Defense of Marriage Act* (November 2014). Available at <http://www.dhs.gov/topic/implementation-supreme-court-ruling-defense-marriage-act>.
59. *Id.*
60. TRAC Immigration, *Who Are the Targets of ICE Detainers?* (February 20, 2013). Available at <http://trac.syr.edu/immigration/reports/310/>.
61. TRAC Immigration, *Number of ICE Detainers Issued, by Citizenship*. Available at <http://trac.syr.edu/immigration/reports/310/include/table2.html>. Asian countries include Bangladesh, Bhutan, Burma, Cambodia, China, Hong Kong, India, Indonesia, Japan, Korea, Laos, Malaysia, Mongolia, Nepal, North Korea, Pakistan, Philippines, Singapore, South Korea, Sri Lanka, Taiwan, Thailand, and Vietnam.
62. U.S. Department of Homeland Security, *Immigration and Customs Enforcement, Memorandum re Civil Immigration Enforcement: Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice Systems* (December 21, 2012). Available at <https://www.ice.gov/doclib/detention-reform/pdf/detainer-policy.pdf>.
63. John Simanski and Lesley M. Sapp, *Annual Report: Immigration Enforcement Actions: 2011*, U.S. Department of Homeland Security, Office of Immigration Statistics, Policy Directorate (September 2012). Available at http://www.dhs.gov/sites/default/files/publications/immigration-statistics/enforcement_ar_2011.pdf.
64. *Id.*
65. *Id.*
66. *Id.* See also U.S. Department of Homeland Security, Office of Immigration Statistics, *2011 Yearbook of Immigration Statistics*, Table 40: Aliens Returned by Region and Country of Nationality; Fiscal Years 2002 to 2011 (September 2012). Available at http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois_yb_2011.pdf. Asian countries of nationality for individual returned include: Bangladesh, Burma, China, Hong Kong, India, Indonesia, Japan, Laos, Malaysia, Maldives, Mongolia, Nepal, North Korea, Pakistan, the Philippines, South Korea, Sri Lanka, Taiwan, Thailand, and Vietnam.
67. Saurav Sarkar et al., *Special Registration: Discrimination and Xenophobia As Government Policy, Asian American Legal Defense and Education Fund* (2004). Available at <http://www.aaldef.org/docs/AALDEF-Special-Registration-2004.pdf>.
68. The Center for Human Rights and Global Justice at New York University School of Law, *A Decade Lost: Locating Gender in U.S.*

- Counter-Terrorism* (2011). Available at http://www.atlanticphilanthropies.org/sites/default/files/uploads/Decadelost_locatinggender_report.pdf
69. Applied Research Center, *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System* (November 2011). Available at <http://arc.org/shatteredfamilies>.
 70. *Id.*
 71. *Id.*
 72. Healthcare.gov, "Affordable Care Act Rules on Expanding Access to Services for Women" (August 2011; updated February 2013). Available at <http://www.healthcare.gov/news/factsheets/2011/08/womensprevention08012011a.html>
 73. Asian & Pacific Islander Health Forum, "The Impact of Health Care Reform on Health Coverage for Asian Americans, Native Hawaiians and Pacific Islanders" (December 2011). Available at <http://www.apiahf.org/sites/default/files/PA-Factsheet12-2011.pdf>.
 74. National Alliance on Mental Illness, "Mental Health Issues among Asian American and Pacific Islander Communities." Available at http://www.nami.org/Template.cfm?Section=Fact_Sheets1&Template=/ContentManagement/ContentDisplay.cfm&ContentID=123209
 75. U.S. Department of Health and Human Services Office on Women's Health, "Minority Women's Health: Asian-Americans" (March 2012). Available at <http://womenshealth.gov/minority-health/asian-americans/>
 76. Judy H. Wang, Vanessa B. Sheppard, Marc D. Schwartz, Wenchi Liang, and Jeanne S. Mandelblatt, "Disparities in Cervical Cancer Screening between Asian American and Non-Hispanic White Women," *American Association for Cancer Research* (2008). Available at <http://cebp.aacrjournals.org/content/17/8/1968.full>.
 77. *For example, see* Orange County Health Needs Assessment, *Special Report 2010: A Look at Health in Orange County's Vietnamese Community* (2010). Available at http://www.ochna.org/publications/documents/OCHNAVietnameseHealthReport_000.pdf.
 78. *See generally*, National Immigration Law Center, "Immigrants and the Affordable Care Act (ACA)" (Updated March 2013). Available at <http://www.nilc.org/immigrantsshr.html>.
 79. Asian & Pacific Islander American Health Forum, "Why Protecting Medicaid Matters for Asian Americans, Native Hawaiians and Pacific Islanders" (October 2011). Available at <http://www.apiahf.org/resources/resources-database/why-protecting-medicaid-matters-asian-americans-native-hawaiians-and-pa>.
 80. *Id.*
 81. *Id.*
 82. *Supra*, note 40.
 83. National Immigration Law Center, "Frequently Asked Questions: Exclusion of People Granted 'Deferred Action for Childhood Arrivals' from Affordable Health Care" (November 2012). Available at <http://www.nilc.org/acadacafaq.html>.
 84. *Id.*
 85. *Supra*, note 43.
 86. *Id.*
 87. Dr. Dora Schriro, *Immigration Detention Overview and Recommendations*, U.S. Department of Homeland Security, Immigration and Customs Enforcement (October 6, 2009). Available at <http://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf>.
 88. *See generally*, Detention Watch Network, "The Influence of the Private Prison Industry in Immigration Detention." Available at <http://www.detentionwatchnetwork.org/privateprisons>.
 89. National Coalition for Immigrant Women's Rights, "Women's Health Care Needs in Immigration Detention." Available at http://napawf.org/wp-content/uploads/2009/11/NCIWR_Womens-Health-Care-in-Immigration-Detention_.pdf.
 90. Human Rights Watch, *Detained and Dismissed: Women's Struggles to Obtain Health Care in United States Immigration Detention* (2009). Available at http://www.hrw.org/sites/default/files/reports/wrd-0309web_0.pdf
 91. Asian & Pacific Islander Institute on Domestic Violence, "Fact Sheet: Domestic Violence in Filipino Communities" (July 2012) citing C. Hoagland and K. Rosen *Dreams Lost, Dreams Found: Undocumented Women in the Land of Opportunity*, Coalition for Immigrant and Refugee Rights and Services, Immigrant Women's Task Force (Spring 1990). Factsheet available at <http://www.apiidv.org/files/DVFactSheet-Filipino-APIIDV-2012.pdf>.
 92. Asian & Pacific Islander Institute on Domestic Violence, "Fact Sheet: Domestic Violence in Filipino Communities" (July 2012) citing P. Agbayani-Siewert, A.Y.Flanagan, "Filipino American dating violence: Definitions, contextual justifications, and experiences of dating violence" *Journal of Human Behavior in the Social Environment* (2001). Factsheet available at <http://www.apiidv.org/files/DVFactSheet-Filipino-APIIDV-2012.pdf>.
 93. Asian & Pacific Islander Institute on Domestic Violence, "Fact Sheet: Domestic Violence in Korean Communities" (July 2012) citing Y.I.Song-Kim, "Battered Korean Women in Urban United States" in: S.M. Furuto, B. Renuka, D.K. Chung, K. Murase, and F. Ross-Sheriff, eds. *Social Work Practice with Asian Americans: Sage Sourcebooks for the Human Services Series*. Vol. 20 (1992). Factsheet available at <http://www.apiidv.org/files/DVFactSheet-Korean-APIIDV-2012.pdf>.
 94. Asian & Pacific Islander Institute on Domestic Violence, "Fact Sheet: Domestic Violence in Vietnamese Communities" (July 2012) citing C.G.Tran *Domestic violence among Vietnamese refugee women: Prevalence, abuse characteristics, psychiatric symptoms, and psychosocial factors*, Unpublished doctoral dissertation (1997). Factsheet available at <http://www.apiidv.org/files/DVFactSheet-Vietnamese-APIIDV-2012.pdf>.
 94. Asian & Pacific Islander Institute on Domestic Violence, "Fact Sheet: Domestic Violence in Chinese Communities" (July 2012) citing C. Dabby, H. Patel, G. Poore, *Shattered Lives: Homicides, Domestic Violence and Asian Families*, Asian & Pacific Islander Institute on Domestic Violence (2009). Factsheet available at <http://www.apiidv.org/files/DVFactSheet-Chinese-APIIDV-2012.pdf>
 96. Asian & Pacific Islander Institute on Domestic Violence, "Fact Sheet: Domestic Violence in South Asian Communities" (July 2012) citing A. Raj and J. Silverman, "Intimate partner violence against South Asian women in Greater Boston", *Journal of American Medical Women's Association* (2002). Factsheet available at <http://www.apiidv.org/files/DVFactSheet-SouthAsian-APIIDV-2012.pdf>
 97. Giselle Aguilar Hass, Nawal Ammar, and Lesley Orloff, *Battered Immigrants and U.S. Citizen Spouses*, Legal Momentum (April 2006). Available at (Dutton, Orloff, & Hass, 2000). Available at <http://action.legalmomentum.org/site/DocServer/dvusc.pdf?docID=314>.
 98. *Id.*
 99. *Id.*
 100. Women's Refugee Commission, "Women and Immigration Reform: Key Facts and Figures."
 101. Complaint in *Friendly House v. Whiting* (May 10, 2010). Available at http://www.aclu.org/files/assets/az_sb1070_complaint_20100517.pdf.
 102. *See generally*, Shivali Shah, "Middle Class, Documented, and Helpless: The H-4 Visa Bind" in Shamita Das Dasgupta, *Body Evidence: Intimate Violence Against South Asian Women in America* (2007).
 103. U.S. Department of Homeland Security, *Employment Authorization for Certain H-4 Dependent Spouses* (2014). Available at <https://federalregister.gov/a/2014-10734>.

104. Comments from South Asian Organizations to United States Citizenship and Immigration Services Director Alejandro Mayorkas (January 10, 2013). Available at <http://saalt.org/wp-content/uploads/2012/09/SAALT-Other-Organizations-Comment.pdf>.
105. U.S. Department of Homeland Security, Office of Immigration Statistics, 2011 Yearbook of Immigration Statistics, Table 14: Refugee Arrivals by Regional and Country of Nationality; Fiscal Years 2002 to 2011 (September 2012). Available at http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois_yb_2011.pdf. For purposes of the Yearbook, DHS includes data on refugees arriving from “Asia” based on a broad definition of term that includes countries would commonly be considered within Central Asia, East Asia, South Asia, Southeast Asia, and Western Asia. For purposes of NAPAWF’s report, the statistics for refugee arrivals cited is based on narrower definition of “Asia” that includes the following countries whose citizens were granted refugee status by the United States: Bhutan, Burma, Cambodia, China, Indonesia, Laos, Nepal, North Korea, Pakistan, Sri Lanka, and Vietnam.
106. *Id.* See also *supra*, note 18.
107. *Supra* note 18.
108. U.S. Department of Homeland Security, Office of Immigration Statistics, 2011 Yearbook of Immigration Statistics, Table 17: Individuals Granted Asylum Affirmatively by Region and Country of Nationality; Fiscal Years 2002 to 2011, and Table 19: Individuals Granted Asylum Defensively by Region and Country of Nationality; Fiscal Years 2002 to 2011 (September 2012). Available at http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois_yb_2011.pdf. For purposes of the Yearbook, DHS includes data on asylees arriving from “Asia” based on a broad definition of term that includes countries would commonly be considered within Central Asia, East Asia, South Asia, Southeast Asia, and Western Asia. For purposes of NAPAWF’s report, the statistics for asylees cited is based on narrower definition of “Asia” that includes the following countries whose citizens were granted asylum status by the United States that year: Bangladesh, Bhutan, Burma, Cambodia, China, India, Indonesia, Laos, Malaysia, Mongolia, Nepal, Pakistan, the Philippines, Sri Lanka, and Vietnam.
109. *Supra*, note 18.
110. U.S. Department of Health and Human Services, Administration for Children & Families, Office of Refugee Resettlement, “Fiscal Year 2012 Refugee Arrivals” (January 24, 2013). Available at <http://www.acf.hhs.gov/programs/orr/resource/fiscal-year-2012-refugee-arrivals>.
111. U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, “Fact Sheet: ORR Benefits-at-a-Glance.” Available at (https://www.acf.hhs.gov/sites/default/files/orr/orr_fact_sheet_benefits_at_a_glance.pdf).
112. Columbia University School of International and Public Affairs, *Refugee Resettlement in the United States: An Examination of Challenges and Proposed Solutions* (May 2010). Available at http://new.sipa.columbia.edu/sites/default/files/IRCFINALREPORT_0.pdf.
113. *Id.*
114. *Id.*
115. Asylum and Withholding Definitions, 74 Fed. Reg. 64,220 (Dec. 7, 2009). Available at <http://www.gpo.gov/fdsys/pkg/FR-2009-12-07/pdf/X09-101207.pdf>. See also Human Rights First, *How to Repair the U.S. Asylum and Refugee Resettlement Systems: Blueprint for the Next Administration* (December 2012). Available at http://www.humanrightsfirst.org/wp-content/uploads/pdf/asylum_blueprint.pdf.
116. National Asian Pacific American Women’s Forum, *Rights to Survival & Mobility: An Anti-Trafficking Activist’s Agenda* (2008). Available at http://napawf.org/wp-content/uploads/2009/10/AT_Agenda.pdf.
117. *Id.*
118. Duren Banks and Tracey Kyckelhahn, Special Report: *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (April 2011). Available at <http://bjs.gov/content/pub/pdf/cshti0810.pdf>.
119. *Supra*, note 116.
120. *Id.*
121. Sarah Fitzpatrick, “Diplomatic Immunity Leaves Abused Workers in Shadows” *The Washington Post* (September 20, 2009). Available at http://articles.washingtonpost.com/2009-09-20/news/36810213_1_diplomatic-immunity-foreign-diplomats-claim-immunity. See also American Civil Liberties Union, “Domestic Workers Who Accused Diplomats of Human Trafficking Settle with Kuwaiti Government” (February 15, 2012). Available at <http://www.aclu.org/womens-rights/domestic-workers-who-accused-diplomats-human-trafficking-settle-kuwaiti-government>.
122. *Supra*, note 116.
123. U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, “Victims of Human Trafficking: T Nonimmigrant Status” (October 2011). Available at <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=02ed3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=02ed3e4d77d73210VgnVCM100000082ca60aRCRD>.
124. U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, “Questions & Answers: Victims of Criminal Activity, U Nonimmigrant Status” (November 2010). Available at <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=1b15306f31534210VgnVCM100000082ca60aRCRD&vgnnextchannel=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD>
125. *Supra*, note 68.



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