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REFORM IMMIGRATION FOR AMERICA

# FIELD PACKET

ASIAN AMERICAN & PACIFIC  
ISLANDER CONSTITUENCY

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# TABLE OF CONTENTS

<b>Introduction.....</b>	<b>3</b>
<b>Tiers of Involvement: How You Can Impact Comprehensive Immigration Reform (CIR).....</b>	<b>4</b>
<b>TIER 1: Follow the Campaign.....</b>	<b>5</b>
<b>Support the Reform Immigration for America (RI4A) Campaign</b>	
<b>Text “AAPI” to 69866</b>	
<b>Join us on Facebook</b>	
<b>TIER 2: Become a Supporter.....</b>	<b>9</b>
<b>Call your legislators and tell them to support comprehensive immigration reform</b>	
<b>Share your story as part of AAJC’s Family Immigration Stories Campaign</b>	
<b>Send a letter to your Member of Congress</b>	
<b>TIER 3: Be an Advocate for Change.....</b>	<b>12</b>
<b>Send an op-ed to your local newspaper or ethnic media outlet</b>	
<b>Visit your local legislator</b>	
<b>Participate in the RI4A Campaign by Attending or Hosting Events</b>	
<b>How to Plan an Event</b>	
<b>AAPI &amp; CIR Fact Sheets.....</b>	<b>23</b>
<b>Talking Points for the AAPI Community .....</b>	<b>29</b>
<b>AAPI and Family-Sponsored Immigration .....</b>	<b>31</b>
<b>Asian Clout in the Voting Booth.....</b>	<b>32</b>
<b>DREAM Act Fact Sheet.....</b>	<b>37</b>
<b>Summaries of Key Legislation .....</b>	<b>38</b>
<b>Comprehensive Immigration Reform for America’s Security and Prosperity Act of 2009</b>	
<b>(CIR ASAP)</b>	
<b>DREAM ACT of 2009</b>	
<b>Reuniting Families Act of 2009</b>	
<b>AAPI-Related Media Coverage .....</b>	<b>55</b>
<b>“Know Your Rights” Guide for Organizing .....</b>	<b>62</b>

# INTRODUCTION

Dear Advocate,

Thank you for joining our campaign in support of comprehensive immigration reform. Our goal is to create strong momentum from advocates and community members toward fixing our broken immigration system in order to pressure the Congress and the President to pass comprehensive immigration reform now!

For those who have joined our advocacy network, we have produced this toolkit to guide you in your advocacy efforts and to make sure you have all the assistance you need. This toolkit describes the many ways you can get involved in our campaign – from text messaging to visiting your legislators – and provides all the background information you’ll need to prepare. This toolkit also contains talking points and background information on comprehensive immigration reform.

The Asian American Justice Center (AAJC) and the National Korean American Service & Education Consortium (NAKASEC) created this toolkit to help community members and community advocates build support for comprehensive immigration reform. If you need additional information about immigration reform and how it affects the Asian American and Pacific Islander community, please visit the following:

<http://www.reformimmigrationforamerica.org>

<http://www.nakasec.org>

<http://www.advancingequality.org/>

Thank you again for voicing your support for comprehensive immigration reform. Together, we can enact real change!

Sincerely,

EunSook Lee and Karen Narasaki  
Co-Chairs of the AAPI Constituency Table  
Reform Immigration FOR America

# TIERS OF INVOLVEMENT: HOW YOU CAN IMPACT IMMIGRATION REFORM!

## Tier 1: Follow the Campaign

- Endorse the Reform Immigration FOR America (RI4A) Campaign:
  - <http://www.reformimmigrationforamerica.org/blog/about/>
- Text “AAPI” to 69866 for updates on immigration reform
- Join our e-mail list to receive regular updates:
  - Reform Immigration FOR America:  
<http://www.reformimmigrationforamerica.org>
  - NAKASEC: [nmontejo@nakasec.org](mailto:nmontejo@nakasec.org)
  - AAJC: [mhigashi@advancingequality.org](mailto:mhigashi@advancingequality.org)
- Join us on Facebook:
  - Reform Immigration FOR America:  
<http://www.facebook.com/home.php#/reformimmigrationforamerica?ref=ts>
  - NAKASEC:  
<http://www.facebook.com/home.php?#/pages/NAKASEC/15395004285?ref=ts>
  - AAJC: <http://www.facebook.com/AsianAmericanImmigration>

## Tier 2: Become a Supporter

- Post RI4A action alerts on your website or circulate to your networks.
- Assign one spokesperson to be available to participate in media events.
- Call your legislators to let them know your community needs just and humane immigration reform.
- Send a letter to your Members of Congress to encourage them to support comprehensive immigration reform.

## Tier 3: Be an Advocate for Change

- Sign others up to the cellphone action network by typing “AAPI” to 69866.
- Submit an op-ed to your local newspaper.
- Nominate the following individuals to publicly support comprehensive immigration reform: (1) local and state officials, (2) law enforcement officials, (3) business owners and associations, (4) veterans organizations, and (5) faith based institutions.

# TIER 1 IN DEPTH: FOLLOW THE CAMPAIGN

## Endorse the Reform Immigration FOR America Campaign

The Reform Immigration FOR America (RI4A) campaign is a national effort working to build support for comprehensive immigration reform at the grassroots level. The campaign's goal is to secure the passage of comprehensive immigration reform before the next congressional elections in 2010. Both individuals and organizations are welcome to join the campaign. You can learn more about the campaign online at <http://www.reformimmigrationforamerica.org/blog/about/>. The campaign's principles for immigration reform are also available online at <http://reformimmigrationforamerica.org/blog/about/principles/>

<<Your Letterhead>>

<<Date>>

<<Organization contact information>>

**Re: <<Organization to endorse the campaign>> and Comprehensive Immigration Reform**

Dear <<contact>>

<<Your organization>> invites <<organization to endorse the campaign>> to consider endorsing and participating in the Campaign to Reform Immigration FOR America (also known as the "FOR America" campaign). The FOR America campaign is a nationally coordinated effort that brings together multiple sectors together - community, faith, business, and labor – under one tent to promote comprehensive immigration policies.

- In addition to endorsing the campaign, <<state your organization's involvement currently with immigration reform. Provide an organizational description as necessary>>.

Asian Americans and Pacific Islanders (AAPIs) are greatly impacted by the broken immigration system. As a mostly immigrant community, please consider these facts:

- AAPIs comprise 11% of the total undocumented population;
- AAPIs are most likely to face waits up to two decades to be reunited with their family members because of severe backlogs and outdated visa systems; and
- While AAPIs account for 2% of total deportations, our communities are most likely to face social and cultural isolation while being held in detention centers, which results in lack of adequate language access and sometimes even death.

Consequently, not only do our communities have much to gain in promoting policies that create a path to citizenship, keep families together, protect due process and workers' rights and align our country with our best values, but AAPI communities have much to contribute towards this agenda.

The first step toward being part of the campaign is endorsement. Endorsement means support of the campaign's comprehensive immigration reform principles (attached for your reference). Also attached are other materials that we trust will be useful in determining this position.

There are many other ways in which you can escalate your participation based on your capacity and assessment of community needs. We can discuss those types of activities, which can range from sending a letter to your Congressmembers urging their support for CIR, organizing a set of strategic legislative visits, activating your community for call-in days, signing up subscribers to a national cell phone action network, to joining us in rallies and national actions.

If you should have any questions, please feel free to contact me at <<your contact information>>.

Thank you for your attention and we look forward to hearing from you.

Sincerely,

Attachments: FOR America principles, [NCAPA 2008 Policy Position on Immigration Reform](#)

## **Text "AAPI" to 69866:**

By texting "AAPI" to 69866, you can join RI4A's Cell Phone Action Network. By joining the network, you'll receive urgent action alerts and updates via text message. This network has already helped to generate thousands of calls to President Obama and Members of Congress to show support for comprehensive immigration reform. With this service, you'll receive only the most pertinent information and no more than a couple text messages per month. Standard charges for text messaging will apply.

## **Join us on Facebook:**

Show your support for comprehensive immigration reform! You can join as a fan on our Facebook pages and receive updates about comprehensive immigration reform and events, as well as view links to other relevant publications and websites.

- Reform Immigration FOR America:  
<http://www.facebook.com/reformimmigrationforamerica>
- NAKASEC:  
<http://www.facebook.com/home.php?#/pages/NAKASEC/15395004285?ref=ts>
- AAJC: <http://www.facebook.com/AsianAmericanImmigration>

**TEXT**  
**"AAPI"**  
**TO 69866**

Reform immigration  
using your cell phone.

**REFORM IMMIGRATION**  
**FOR America**

# JOIN

the Reform Immigration  
FOR America cell phone  
action network!

- 1 Text "AAPI" to 69866.
- 2 Reply to the first text message with your zip code and email. You will receive a message about every two weeks.
- 3 Get your friends to join. Grow the network.  
**Grow your power!**

All standard texting fees apply.

## **TIER 2 IN DEPTH: BECOME A SUPPORTER**

### **Post RI4A action alerts on your website or circulate to your networks:**

As the Campaign sends out important information, do your part by spreading the news. Broadcast the updates by putting RI4A action alerts on your webpage or forwarding the information along to your contacts.

### **Assign a spokesperson to be available for media events:**

As the immigration debate heats up, one of the most important things you can do is learn how to engage with the media and spread a positive message about the importance of reform. By appointing one person to be your organization's spokesperson, you can make sure that someone is ready to talk to the press.

### **Call your legislators and tell them to support comprehensive immigration reform:**

You can encourage members of your community to make phone calls to their lawmakers. This form of grassroots lobbying can have a large impact. Members of Congress record and track the number of phone calls they receive in favor of or against a particular piece of legislation or issue. Phone calls let legislators know what their constituents are thinking when they cannot check in with their home district.

Calling your lawmakers is easy! Remember that they are *your* public servants, and you have the right to let them know how you feel they should vote on certain bills.

#### **To call your Representative or Senator, you will need the following items or pieces of information:**

- Your zip code and the name of your State. In some cases, you may need your address.
- The telephone number of the U.S. Capitol switchboard: (202) 224-3121.
- The name and number of the bill you are calling about. For bills in the House of Representatives, the bill number will begin with H.R. (such as H.R. 1234). For bills in the Senate, the bill number will begin with S. (such as S. 456). Be aware that bills in the House and Senate are handled separately, so the same bill can have a different number in the House and Senate.
- Whether you want your representative or Senator to support the bill or not to support the bill.

**To call your Representative or Senator, follow these steps:**

- Call the U.S. Capitol switchboard at (202) 224-3121. It’s best to call in the morning so you don’t have any problems because of different time zones between your state and Washington, D.C.
- When the operator at the switchboard picks up, let them know that you’d like to be connected to the office of your Representative or Senator.
  - If you want to speak with your Representative’s office, you’ll need to give the operator your zip code. Some congressional districts are smaller than a zip code, so you may need to give the operator your full address so they can determine your Representative. The operator will then connect you to your Representative’s office.
  - If you want to speak with your Senator’s office, you’ll need to identify what State you live in. Every state has two Senators, so you can ask the operator to give you one phone number to call later and to connect you directly with the other office. The operator will then connect you to your Senator’s office.
- When a staffer at the Representative or Senator’s office picks up, politely introduce yourself and say that you’d like the Representative/Senator to support (or oppose) the bill you’re calling about. Be sure to identify the bill by both its name and number. The staffer may ask you for your address or zip code to confirm that you live in their district. The staffer will make a note of your call and your support/opposition to the bill.
- Congratulations! You’ve successfully called your Members of Congress and have exercised your rights!

**Send a letter to your Members of Congress encouraging them to support comprehensive immigration reform:**

You can encourage members of your community to write letters to their lawmakers. This form of grassroots lobbying can have a large impact. Like phone calls, letters let legislators know what their constituents are thinking when they cannot check in with their home district.

Writing to your lawmakers is easy! Remember that they are *your* public servants, and you have the right to let them know how you feel they should vote on certain bills. Feel free to use the following sample letter to write your representative, or update it with information specific to your district.

The Honorable (Name of your Member of Congress)	<<DATE>>
Address	
Washington, DC	
Dear Representative/Senator (Last Name):	
I (or state the name of your organization) write to express my strong support for moving forward on comprehensive immigration reform this year. Together we must advance a practical solution that will regain control over the broken immigration system, help the economy, and move this country forward.	

(If writing on behalf of an organization, please share a brief description of mission and services).

Everyone agrees that our immigration system is broken and in desperate need of repair. The status quo is unacceptable – we have divided families and communities. Asian Americans and Pacific Islanders (AAPIs) in particular have a huge stake in comprehensive immigration reform legislation. There are more than 1.2 million undocumented AAPIs and over 2 million individuals waiting abroad to receive family visas. Community members are affected by ongoing detention and deportation. In the wake of 9/11, targeted enforcement of the AAPI community, in particular South Asians and Muslims, continues to compromise immigrants’ due process rights and civil liberties.

(If possible, insert a personal story or a more detailed description of how the broken immigration system hurts your community)

We need to move forward with a common sense, American solution that secures the border, protects the rights of all workers, and modernizes our legal immigration programs. A key element of this reform is having undocumented immigrants in this country register, go through background checks, pay back taxes, and study English in order to be eligible to apply for U.S. citizenship. This comprehensive approach will secure our borders, level the playing field for workers, and stop dishonest businesses from gaining an unfair advantage. It will make undocumented immigrants into legal taxpayers and bring needed money into the federal budget. The other options – maintaining the status quo or trying to force 12 million illegal immigrants to leave the country – are neither viable nor desirable.

The AAPI community is increasingly politically active, and the number of AAPI voters increased 23% between the 2004 and 2008 presidential elections. Many of these 3.4 million voters reside in key swing states and are a growing and powerful voice for immigration reform, which affects many of them personally. AAPI voters in 11 different states responding to a 2008 exit poll stated that the second most important issue following the economy was civil rights/immigrant rights.

On December 15, Representative Luis Gutierrez (D-Ill.) introduced H.R. 4321, the Comprehensive Immigration Reform for America’s Security and Prosperity Act (CIR ASAP), in the House of Representatives with over 80 original co-sponsors, including members of the Congressional Asian Pacific American Caucus. We ask that you co-sponsor the CIR ASAP bill and also the DREAM Act (S. 729, H.R. 1751) and the Reuniting Families Act (S. 3514, H.R. 2709), each of which includes the just and workable provisions we need to fix the broken immigration system.

I (or, “My organization”) joins the rest of America to urge Congress and the White House to advance real solutions to this important challenge. I look forward to working with you to address comprehensive immigration reform this year. I can be reached at (insert contact information).

Respectfully,

## **TIER 3 IN DEPTH: BE AN ADVOCATE FOR CHANGE**

### **Send an opinion-editorial to your local newspaper or ethnic media outlet:**

A few news articles and editorials will support the credibility of your arguments. If a story that appeared in a representative's hometown paper supports your arguments or shows local concern for an issue, it can be very persuasive. You can write an op-ed for your local newspaper on your issue. A sample op-ed is included below:

#### **Let's Raise Up Our Voices in the Immigration Debate**

In recent months, people all throughout the nation have been mobilizing in support of comprehensive immigration reform. Americans everywhere are asking their members in Congress to reform our broken immigration system, and progress appears to be imminent. In Washington, D.C., our elected representatives appear poised to take legislative action.

We have been on this roller coaster before, the last time in 2007, when the effort to achieve comprehensive immigration reform failed. Politically divisive, controversial, and sensitive – immigration continues to be a hard issue to advocate for. Many Americans continue to scapegoat immigrants as the source of America's problems: from the economy and the shortage of jobs, to crime in our neighborhoods.

Where are the faces of people that I see everyday at my local supermarket, my church, my neighborhood, my family barbeque? Where are the immigrants I know who are making a valuable contribution to American society? So many of us come from all corners of the world to pursue the American Dream and to provide a better life for our children. In doing so, we contribute our collective talent and entrepreneurship to this country, fueling the growth of our economy, creating jobs, and revitalizing neighborhoods. Immigration has helped the U.S. maintain its competitive edge in the global economy, attracting the world's best and brightest to study, work, and settle here.

We need to make our voices heard this year. Immigration reform must fix the fundamental flaws of the system, flaws that not only affect the lives of millions of immigrants but are, in many ways, the cause of the undocumented immigration that has captured the singular attention of the American public.

Within the Asian American and Pacific Islander (AAPI) communities, one of the flaws of greatest concern is the unreasonable delay in permitting family members to immigrate. Of the ten countries suffering the longest delays, over half are from Asia. In fact, over two million immigrants in Asia are waiting abroad for an extended period of time to receive family visas.

Asian American citizens wait between six and twenty-three years to be reunited with adult children and siblings, and spouses and minor children of permanent residents must wait between five and eleven years to be eligible for immigrant visas. With such wait times, it is no surprise

that immigrants would risk entering the country without documentation in order to reunite with their loved ones sooner. Alleviating such unreasonable constriction of the flow of family immigrants will no doubt reduce undocumented immigration.

Beyond the broken family immigration system, our immigration enforcement practices, including detention and deportation, require reform. Enforcement against the AAPI community, in particular South Asians and Muslims in the wake of 9/11, continues to compromise immigrants' due process rights and civil liberties. Immigrants, many of whom pose little flight risk, are often detained under harsh conditions. Deportation is enforced with little regard to the separation of caregivers from their children, or the fact that immigrants who came to the U.S. as children, in particular Southeast Asian immigrants and Pacific Islander immigrants, are being repatriated to lands which they never knew.

Less known is that an estimated one in ten AAPIs is undocumented. Among some ethnic groups, such as Korean Americans, the number is as high as one in five, and in the case of Indian Americans, the growth of the undocumented community outpaces the national average. Living in the shadows, undocumented AAPIs are more likely to find themselves more socially and politically isolated. One of the many heartbreaking stories we continually hear are about young undocumented AAPI students who are being forced to return to countries they don't know without ever realizing their full potential and contributing to this country, their home.

[Incorporate a personal story or story from the community].

Everyday, in my community, I hear of someone whose life has been negatively affected by the immigration system. Comprehensive immigration reform must resolve the unreasonable delays in allowing families to reunite, and ensure that enforcement, detention, and deportation are respectful of immigrants' rights and applied in a humane and sensible manner. And rather than finding more ways to deport immigrants, which is a short-sighted and impractical solution to undocumented immigration, let us resolve to provide for an earned pathway to citizenship.

The immigration system is hard. It's hard on our families, it's hard on our communities, and it's hard for our country. But we need to be committed to changing the system, because that is the only way that the lives of immigrants will become better and our country stronger. The time to call for reform is now. Let us fight alongside our fellow Americans for comprehensive immigration reform, because we are Americans too.

## **Visit your local legislator:**

We are encouraging advocates to meet with their Members of Congress or state and local officials and ask that they work for the passage of comprehensive immigration reform in 2010. This brief section will give you the basic information you need before, during and after your meetings.

### What are we trying to do?

We need to win comprehensive immigration reform in 2010. The task is an urgent one. Because of our current immigration mess, millions of families have either been separated because of

immigration raids, remain separated because of our unjust visa backlog or risk being separated because of deportation.

We need to make sure that your Senators and Representative will do the right thing for our families, our communities, our values and our economy, and that they ask President Obama to communicate his support for immigration reform to Congress.

Ultimately, to win comprehensive immigration reform, we will need to reach the crucial number of 279 votes – that is, 218 votes in the House of Representatives, 60 votes in the Senate and 1 Presidential signature. Your efforts to press your Members of Congress to support immigration reform will help us achieve that goal.

## Legislative Visit Guide:<sup>1</sup>

**Find out who represents you in Congress.** Go to [www.senate.gov](http://www.senate.gov) and [www.house.gov](http://www.house.gov) to identify your Senators and Representatives.

**Do your homework:** Refer to online biographical sketches or check campaign statements, news articles or additional sources of information to learn about your Representative's or Senator's prior occupation, religion, political and social memberships, areas of interest and positions on issues such as the economy, health care, the environment—as well as immigration. This information can help inform how you approach your meeting. The RI4A campaign may have a profile available of the Congressman; you can contact AAJC or NAKASEC to request that profile. You can use the following reliable websites: Project Vote Smart ([www.votesmart.org](http://www.votesmart.org)) and OpenCongress ([http://www.opencongress.org/wiki/Wiki\\_Home](http://www.opencongress.org/wiki/Wiki_Home)).

**Check in with Allies in DC or at a state organization:** There are valuable resources in Washington, DC, and in your state with background knowledge on the roles that Representative and Senators played in past rounds of immigration reform. If you are part of a national or regional/state network or organization, we encourage you to talk with your point person on immigration. Please let this organization know that you have scheduled a visit with your Representative or Senator.

**Schedule a Meeting:** Call and ask to speak to the member's scheduler in your home state/district, or write a letter to request a meeting. A sample letter to request a meeting is attached. When you speak to the scheduler, tell them:

- The name of the city or town in their district/state you will visit from.
- That you would like to set up an appointment to meet with your Representative/Senator (or his/her staff) and are interested in discussing immigration.
- How many people will attend the meeting? If you plan to have prominent community leaders attend the meeting, mention that as well.

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<sup>1</sup> This section was prepared with materials from AAJC and NAKASEC and borrows from the National Immigration Forum toolkit

If the office does not respond to you, call or write again and be persistent! Remember that they are *your* public servants.

**Determine Who Should Be in the Meeting.** Who best represents your organization or coalition that can also help to build a relationship with this Member of Congress? Are there close allies that could build trust or respect with this Member of Congress, if they came? Is there a family member that is directly affected by our unjust immigration laws?

**Assign roles.** Before your meeting, make sure that people are designated to moderate, to take notes, and to ask the legislative staffer or the Member of Congress at the end of the meeting to support the policy goals. Lastly, speaking roles should also be assigned to ensure that each person has an opportunity to speak and there is no unintentional overlap of points.

**Prepare your materials.** Included in this toolkit are materials to help you make your case and that you might want to leave behind with your Member of Congress. You may also want to include other materials, such as news clippings of a local pro-immigration reform event.

**Dress appropriately.** This does not mean that you have to wear a suit, but dress in a presentable and professional manner.

**Arrive early.** By arriving at least 15 minutes before the meeting, you will have an opportunity to introduce yourself, get acquainted with all the individuals participating in the legislative visit, agree on the objective of the meeting and assign roles.

## **DURING THE MEETING**

*Remember* – you are a representative of your community seeking to influence the legislative debate on an issue about which you care deeply. Your participation and input is critical.

**Be succinct.** While the meeting might originally be scheduled for a certain amount of time, it may go longer or shorter. What's important is that each person can share their points. To that end, be prepared to communicate your points in 1-2 minutes.

**You do not need to be a policy expert.** Your member of Congress and their staff are there to hear your point of view. Talk about your personal experience and how the issue affects you, your family, and friends. Tell them if you live in their District or State. If you do not know the answer to a question, tell them, "I will get back to you later," write it down, and share with the campaign organizers. We will follow up with them accordingly.

**Do extra homework.** Take time to understand the legislator's position on immigration reform. If you are unsure, contact one of the campaign organizers. If you have access to the internet, consider doing a simple Internet search and use your local newspapers' search engine to read recent articles.

**Disagree without being disagreeable.** The member of Congress or their staff may make comments you disagree with. Counter with clear, positive and substantive points and avoid

unnecessary arguments. Stay focused. Do not get side-tracked even if the staff or the Member of Congress may make unrelated points.

**Remember to listen and let them speak.** We must take this opportunity to gather intelligence and ensure support of the policy goals. Be prepared to ask specific questions about potential champions, opponents, timing of votes, or policy content. Complete with the ask. If the response is a “yes,” a follow-up question could be, “Are you interested in working with us to communicate your support to your peers?”

**Always end the visit on a positive note.** Review any agreements or requests. Thank them for the meeting.

## **AFTER THE MEETING**

**Follow up with the office you visited.** Send a thank you email or note. Include additional materials or provide additional answers to questions that came up during the meeting. Follow up on anything you promised.

**Let us know how your meeting went.** Insights gained from your meetings will be useful for your colleagues in Washington. If you are part of a national organization or network, please report to that organization. If you are not, please send a quick note by email to Meredith Higashi at [mhigashi@advancingequality.org](mailto:mhigashi@advancingequality.org) and Sookyung Oh at [soh@nakasec.org](mailto:soh@nakasec.org) to let us know how your meeting went.

# HOW TO PLAN AN EVENT

## Things to Consider When Planning an Event:

- **Decide on an audience.** Everything about the event, including the issues, co-sponsoring organizations, speakers, location, date, and time, should be designed with the audience in mind. Examples of audiences you might consider: target audience, general public, elected officials and coalition partners.
- **Choose a theme.** Choose one that has local appeal.
- **Work in coalition.** Recruit diverse organizations in your community to co-sponsor the event.
- **Appoint a planning team.** Put together a team of interested members and coalition partners to help decide details and share workload.
- **Schedule the event at a convenient time.** Avoid business hours, religious or government holidays, or dates when other community functions are scheduled.
- **Choose an accessible site for the event.** Choose a location that will attract a range of individuals from the community, preferably a well-known and wheelchair-accessible site such as a local school or community center with access to public transportation.
- **Select panelists.** Choose three or four nonpartisan, credible panelists who will bring media attention to the event. Panelists should bring different backgrounds to the forum. Pick speakers varying in age, race, ethnicity, gender, ability, and occupation.
- **Invite a familiar face to be a moderator.** A well-known, nonpartisan moderator who is respected in your community will generate interest in the event and give your work added credibility.
- **Plan media outreach and select a spokesperson.** Outreach to the media will help you advertise your event to the public and gain visibility for your organization.
- **Make it easy for the media.** Generally, events that are held earlier in the day receive the most amount of media coverage. The best times are between 10:00 a.m. and 3:00 p.m. on Tuesday, Wednesday, and Thursday. If you hold an event earlier than 9:00 a.m. or later than 3:00 p.m., you risk losing media attention because of start-up times and deadlines. If you hold a later event, tell reporters that evening events are important because that is when members of the community are most likely to attend. At the event, don't forget to allocate central, unobstructed space close to electrical outlets for TV camera crews and media personnel.

## Ideas for Different Kinds of Events:

- **Host an issue forum.** Issue forums are community dialogues on current issues on which your organization is working. Issue forums should not last more than two hours. Issue forums are an excellent opportunity to generate in-depth public discussion and energize your community to speak out about important issues.
- **Host a panel discussion.** Ask office holders at the local, county, state and federal levels to participate in a discussion of their experiences in politics.
- **Hold a press conference on an upcoming or recent congressional vote.** Press conferences are great ways to draw public attention to your organization's priority issues under consideration in Congress. At your event, highlight why the coming vote is important to your members, coalition partners and to your community, and urge your member of Congress to support or oppose the issue at hand.

## Generating an Audience:

- **Send invitations to coalition partners and other important guests.** Invite as many groups as possible to participate, even if they did not help plan the event. A broad and diverse group of co-sponsors will have more credibility and will attract a much wider audience.
- **Invite the public.** In addition to reaching your neighbors and co-workers, make an extra effort to market the event to the people you would like to attend. Outreach to coalition partners and your community can help you gain visibility and expand membership.
- **Encourage the panelists and moderator to promote the forum.** Speakers may have access to mailings, media interviews and other organizations with which they work. It is often in their best interest to promote an event where they will be featured.
- **Advertise your event for free on community calendars and through PSAs.** Most local papers and other community publications include a community calendar section that lists upcoming local events. Local radio stations may also promote your event on the air as a public service announcement (PSA).

## Participate in the Reform Immigration for America Campaign by Attending or Hosting Events:

In order to build a broad coalition in support of comprehensive immigration reform, it's important to encourage community members to attend and host events. The RI4A campaign has an active calendar of ongoing and one-time actions and events throughout the country. By endorsing the campaign, you will automatically be signed up to receive these notices. If you're interested in getting involved in the campaign by attending events or hosting an event of your own, please contact Rich Stoltz, Campaign Manager, at [rstolz@immigrationforum.org](mailto:rstolz@immigrationforum.org).

## Working with the Media:

### *Pre-Planning:*

- **Make a list.** Compile a media list. Identify the reporters, editors and departments in your state's newspapers and broadcast stations that focus on priority issues and are likely to use your organization's news. Create an information sheet that includes their phone and fax numbers and, if available, e-mail addresses.
- **Designate a media spokesperson.** Keep the spokesperson available to the media by placing their name on all news releases and mailings.

### *Prior to the Event:*

- **Send a media advisory.** Three to five days prior to your event, fax a media advisory to the appropriate reporters on your media list. The advisory should include the "who, what, when, where and why" of the upcoming event. Be sure to include contact information in case reporters have any questions.
- **Follow-up.** Call reporters the day after you send your advisory. Explain that you are following up on your written materials. If they haven't seen the materials, offer to fax them again.
- **Prepare a news release.** The purpose of a news release is to capture a reporter's interest. Your news release should give full details of the event, including quotes from spokespersons and/or participants. In addition to your story, the release should include an attention-grabbing headline and the name and phone number of a contact person. Try to keep the news release to only one side of one typed page. Distribute a news release to the reporters who come to your event. Afterward, fax or e-mail it to reporters on your media list who did not attend, and follow up with a phone call.

### *At the Event:*

- **Prepare a table with a sign-in list and media kits.** Sign-in sheets help you identify what reporters have attended your event. Media kits should provide all the vital information a reporter will need to cover your event. Include items such as an event agenda, statements from the speakers, a copy of the news release and background information on your organization and other event co-sponsors.
- **Talk with the media.** Help reporters write a complete story by talking with each reporter in attendance. Offer reporters a quick interview before or after the program.

### *After the Event:*

- **Follow-up again.** Contact reporters who covered the event later that day to see if they need any additional information or quotes to complete their stories. Even if they already have enough information, you may get an opportunity to correct any inaccuracies. Also call reporters who did not attend the event to offer additional information, including the media kit, in case they intend to publish an article on your event.

## **Tips for Keeping Your Message on Target:**

### *Media Advisories:*

- **Keep it short.** Media advisories should be short and concise. Include only the vital details of your event: who, what, when, where, why.

### *News Releases:*

- **Grab their attention.** Use the title line of your news release to attract attention. Think of the title as the ideal headline you would like to see or hear if the media covers the story.
- **Keep it direct.** Your news release should read like a news story. Say the most important things first, and use a catchy lead sentence to engage your reader.
- **Use catchy quotes.** Quotes in news releases should include a sound bite or visual image.

### *Interviews:*

- **Plan ahead.** When possible, plan ahead for interviews by preparing 3-4 talking points. Identify the message you would most like to convey about the event or issue you will be discussing, and try to stick to it.
- **Take time to gather your thoughts.** If you receive an unexpected call from a reporter, ask what the topic is and deadline is for the story. If the deadline is not immediate, ask to call them back in ten minutes. Take the time to consider the issue and formulate what you want to say.
- **Nothing is ever “off the record” in an interview.** Never say anything to a reporter that you would not want to see in print.

\*This section reprinted courtesy of the Leadership Conference on Civil Rights (LCCR) from the LCCR Grassroots Tool Kit.

## **Tips on Building a Relationship with Ethnic Media<sup>2</sup>**

### **Recognize that ethnic media know the community they cover**

Ethnic media outlets are established to inform a specific constituency about events and issues important to that community. Reporters may not serve as experts on specific policies but they can be a vital source for you in assessing organizations, leaders and community sentiments.

### **Maintain a relationship with the editor-in-chief or owner**

Most ethnic media outlets do not have an editorial board and decisions are often made by the owners or the editors-in-chief. Having a relationship with the decision makers goes a long way in strengthening access to the media outlet. Call them to thank them for good media coverage and raise concerns on questionable or inaccurate coverage.

### **Challenge negative or inaccurate coverage**

If a specific ethnic media outlet seems to develop a habit of either not quoting or mentioning your organization or, worse, negatively portrays your work, act immediately and contact the reporter. If the pattern continues, talk to the editor-in-chief or owner. If there is not resolution, take serious action. For example, temporarily boycott the ethnic media outlet and withhold sending them press releases or inviting them to press events.

### **Develop the same level of relationship and contact with all media outlets**

Competition among media outlets within one community is great and outlets will notice if one paper covers an issue that another did not know about. Sharing a news tip with one outlet or placing ads in just one paper will alienate other outlets. Reporters may either call and complain or choose not to cover a related event for a while.

### **Pursue thoughtful sponsorship opportunities**

There are tremendous benefits in seeking sponsorships with ethnic media outlets for community events or forming partnerships on campaigns or projects. Examples include inserting voter registration forms in dailies or coordinating a citizenship fair. But it may not be worth the free publicity because the risk is that once again, a close relationship with one paper may jeopardize your relationship with other outlets. Try to find way to maintain a balance and avoid the perception of “closeness” to one media outlet only.

### **Ethnic media generally cover events in their specific communities.**

There is little crossover whereupon an ethnic media reporter will cover an event from another ethnic community except for pan-AAPI events. On occasion, if the issue is of vital interest and importance to other ethnic groups, ethnic media reporters may and have covered events in other communities.

### **Reporters are assigned an organizational “beat” and not an issue “beat.”**

Ethnic media outlets have comparatively less resources than mainstream media outlets. There are fewer reporters and these reporters are generally assigned to cover an organization and not a specific issue. Whether your organization works on a single issue or multiple issues, the same reporter will likely cover all your events.

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<sup>2</sup> Written by NAKASEC.

### **Develop a relationship with the reporter that covers your organization**

Take the time to get to know them. They are often new to both the job and possibly the city. The time you spend on the relationship will go a long way in developing a mutually beneficial relationship. But, avoid the pitfall of getting too close. They are reporters and whatever your share may appear on the next day's paper. Also, there is a high turnover with reporters (who are often immigrant, non-unionized, low paid workers with no benefits) so keep in mind that there will always be a need to dedicate time to orienting new reporters.

### **Dedicate time to providing detailed policy updates**

Reporters do not have the resources to research, analyze or report on timely policy issues. Be patient and explain in detail the process and content of a policy or issue. Add more details in your press releases and don't assume the reporters know the issue you are working on. Send additional information and materials that may be of interest to the reporter periodically so they can stay abreast of the issue.

### **Don't send more than one organizational press release on a single day (if possible)**

Because ethnic media reporters cover multiple issues of the same organization, they will not be able to provide adequate coverage on more than one issue in a day. This means your organization needs to make internal decisions on what press release to prioritize.

### **Send translated materials whenever possible**

Virtually all the reporters are first generation and less fluent in English. When resources allow it provide translations of relevant materials including the press release. When you are on a deadline on a time sensitive issue and unable to translate the press materials, provide a translated summary on the issue or event.

### **Contribute to enhance coverage of your organization and work**

You can directly maximize the type and level of coverage you generate on your organization's work and views by contributing your own staff resources. Propose to air regular radio or television commentaries or write commentaries for dailies on current events and issues. Seek opportunities to air specials psas on important campaigns and events. For events outside the city such as a lobby day in Washington, DC, offer to send pictures and draft text via email or call in to reporters via telephone so that your achievements are broadcast on radio or appear in the next day's paper.

### **Teleconferenced events result in limited or no coverage**

There are a few number of ethnic media reporters that are fluent in English and/or cover events for English-speaking ethnic media outlets. Most reporters are not fluent in English and are less willing to participate in press events organized via teleconferencing.

### **Know the deadline of the ethnic media outlets**

Because ethnic media outlets operate with less or limited resources and reporters must multi-task, they may have an earlier deadline than a mainstream media reporter. Also deadlines are different per city and medium (e.g. television, print and radio).

# ASIAN AMERICANS & PACIFIC ISLANDERS AND COMPREHENSIVE IMMIGRATION REFORM<sup>3</sup>

## Overview

Asian immigration dates back to the 17th century, but U.S. laws prevented significant entry until 1965. Nearly two-thirds (over 9 million)<sup>4</sup> of all Asians in the U.S. today are immigrants. Of the foreign-born Asian Americans, about 58 percent (more than 5.2 million)<sup>5</sup> arrived in the United States after 1990. The Asian American community can be divided into the following categories:

- 33 percent are native-born U.S. citizens.
- 38 percent are naturalized U.S. citizens.
- 29 percent are not U.S. citizens.

## Impact of the broken immigration system on the Asian American community

### Family Reunification and Immigration Backlog

Ninety percent of Asians in the U.S. arrived via the family system, and Asian countries suffer among the worst backlogs.<sup>3</sup> A Filipino U.S. citizen may wait up to 16 years to obtain a visa for their child, and as long as 23 years for a sibling.<sup>4</sup> A sibling from India may wait up to 11 years. At least 1.5 million qualifying family members of Asian Americans and Pacific Islanders are currently delayed in backlogs.<sup>6</sup>

Encouraging family reunification is consistent with the American emphasis on the family unit. Family unity also provides stability, encourages social integration, and maximizes the economic contributions of workers who can invest earnings domestically rather than sending it abroad.

### H-1B Visas and Skilled Workers

Immigration backlogs also exist in employment-based immigration. Highly educated and skilled immigrants from China, India and the Philippines can wait up to 5 years for green cards.<sup>7</sup>

### Undocumented Immigration

Given these onerous wait times, it is virtually impossible to legally immigrate to the U.S. As a result, immigrants seek alternative means of entry and the undocumented population increases. In 2008, an estimated 1.2 million of the 12 million undocumented immigrations in the U.S. originated from Asia. This substantial population lacks access to naturalization procedures and protections and is therefore vulnerable to abuse by unscrupulous employers.

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<sup>3</sup> Modified from an AAJC fact sheet.

<sup>4</sup> United States Census Bureau, 2008 *American Community Survey 1-Year Estimates*, <http://factfinder.census.gov>

<sup>5</sup> *Id.*

<sup>3</sup> *Immigration Policy: An Overview: Hearing on S. Hrg. 107-249 Before the Subcomm. on Immigration of the Comm. of the Judiciary*, 107th Cong. (2001) (statement of Karen Narasaki, Executive Director, Asian American Justice Center).

<sup>4</sup> U.S. Department of State, *Visa Bulletin for October 2009*, [http://www.travel.state.gov/visa/frvi/bulletin/bulletin\\_4575.html](http://www.travel.state.gov/visa/frvi/bulletin/bulletin_4575.html) (last visited Sept. 29, 2009).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

### Enforcement

The detention system has exceeded its capacity and practicality, with individuals waiting weeks or months for determinations of their legal status. While confined, they lack access to health services, legal or spiritual counsel, language assistance and other due process guarantees.

Border inspections also lack guidelines deterring the use of discriminatory profiling. U.S. citizens returning home are deprived of their privacy and First Amendment rights through invasive questioning of their political, religious and ethnic affiliations.

### Naturalization

A streamlined naturalization process is essential to rewarding immigrants who productively contribute to our economy and society. Recent administrative actions, including increased filing fees and changes to the citizenship exam, have precipitated a marked decrease in naturalization, from 36.2 percent in 2007 to 30.9 percent in 2008. Failure to provide a reasonable means of naturalization encourages illegal residence in the US and reforms are necessary to retaining these significant contributors to American society.

### **Long-term Solutions and Goals**

In order to solve these problems, Asian Americans and Pacific Islanders need an immigration system that will:

- Reduce the tremendous backlogs in the family immigration system and facilitate timely reunification of families;
- Provide legal status and a path to permanent residence for undocumented immigrants who work hard, pay taxes, undergo criminal and national security checks, and learn English and civics;
- Assist more immigrants in preparing for citizenship, as well as codifying the naturalization process;
- Provide detainees with the basic requirements of due process prior and during their hearings; and
- Create standards for border entry questioning to avoid invasive and unconstitutional conduct by Customs and Border Patrol officials.

### **Additional Resources**

More information on these and other immigration issues can be found at the following:

Asian American Justice Center: [www.advancingequality.org](http://www.advancingequality.org)

National Korean American Service and Education Consortium: [www.nakasec.org](http://www.nakasec.org)

Japanese American Citizenship League: [www.jacl.org](http://www.jacl.org)

OCA—Embracing the Hopes and Aspirations of Asian Pacific Americans:  
[www.oanational.org](http://www.oanational.org)

Hmong National Development: [www.hndinc.org](http://www.hndinc.org)

National Asian Pacific American Women's Forum: [www.napawf.org](http://www.napawf.org)

Southeast Asia Resource Action Center: [www.searac.org](http://www.searac.org)

South Asian Americans Leading Together: [www.saalt.org](http://www.saalt.org)



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**IMMIGRATION REFORM AND THE SOUTH ASIAN COMMUNITY:**  
**MYTHS AND REALITIES**  
*AUGUST 2009*

*SAALT has produced this community education document to dispel common myths about the impact of the immigration system on South Asians. This document also provides stories collected from press articles and through SAALT's Documentation Project that illustrate the challenges and obstacles faced by South Asian workers, women, youth, and families. For more information about SAALT's work, please contact us at [saalt@saalt.org](mailto:saalt@saalt.org) and visit [www.saalt.org](http://www.saalt.org).*

**MYTH: IMMIGRATION POLICY IS NOT AN IMPORTANT ISSUE FOR SOUTH ASIANS.**

**REALITY:** *South Asians are predominantly foreign-born and have a range of immigration statuses*, which means that immigration policy affects all South Asians. For example, immigration policy can determine where an H-1B employee can work; how long a relative must wait before coming to the United States; and the terms and conditions of working in the U.S without legal immigration status.

South Asians have historically been negatively affected by immigration quotas and citizenship restrictions. More recently, our community has been affected by the lack of protections for immigrant workers suffering employer abuse; the tremendous visa backlog that prevents community members from being reunited with their families or obtain permanent residency status; restrictions on many employment-based visa holders from changing jobs; and anti-terrorism and national security laws that target individuals from certain nationalities and strip fundamental due process rights.

Immigration reform legislation can address many of these problems, if it includes the following principles:

- Clearing the family and employment visa backlogs
- Ensuring worker protections
- Eradicating the criminalization of immigrants
- Providing a path to permanent residency for all current and future immigrants in this country.

**PERSONAL ACCOUNTS:** Sumathi is a software engineer from India who moved to the U.S. in 1999 on an H-1B visa and eventually got her green card. She later married and immediately filed to bring her husband over from India. Due to immigration restrictions, her husband had to wait at least two more years to join her and is not allowed to even visit her. A change in immigration laws could benefit Sumathi, her husband and people like them. *The Boston Globe*, April 12, 2006.

A Nepali domestic worker in New Jersey was overworked and underpaid for nearly thirteen years. She was promised \$70/month but often did not receive even those payments. She later moved to another home where she was responsible for cleaning a 6-bedroom house – for no pay. Through a lawsuit, she was able to receive reparations for her labor and services. Immigration law must be changed to ensure that workers receive adequate protections in the workplace and have the ability to seek recourse if they face exploitation. [www.loeb.com/news](http://www.loeb.com/news), June 30, 2006.

**MYTH: THERE ARE NO UNDOCUMENTED IMMIGRANTS FROM SOUTH ASIA IN THE U.S.**

**REALITY:** Of the estimated 12 million undocumented immigrants in this country, over 1.5 million come from Asia.<sup>6</sup> The Department of Homeland Security (DHS) reports that the 160,000 immigrants from India rank tenth in the total number of undocumented in this country for 2008, and account for 1% of the entire undocumented population.<sup>7</sup> Between 2000 and 2006, immigrants from India represented the highest percentage of growth of undocumented immigrants (at 125%).<sup>8</sup> While current statistics are not available, there is also a significant undocumented population from other South Asian countries.

Undocumented immigrants - those without immigration status - may include:

- Individuals who entered without papers because they lack the resources to enter lawfully;
- Individuals who arrived with visas but then subsequently lost their status through overstays or problems with the immigration system;
- Individuals on dependent visas who are seeking to escape abusive situations and leave their partners;
- Individuals who have been trafficked to the United States;
- Individuals on work visas who suffer workplace exploitation and leave their jobs;
- H-1B employees who have lost their jobs; or
- International students who reduced their course load beyond approved levels.

Providing a path towards legalization - one of the cornerstones of immigration reform - would help ensure stability in the lives of undocumented immigrants of South Asian descent.

**PERSONAL ACCOUNTS:** Mr. Singh, an undocumented immigrant, worked as a cab driver in New York City. In September 2001, as Mr. Singh was routinely stopped at a traffic light, he felt a bullet fly past his ear. Shocked, he pulled over and his passenger ran out of his cab. Later, Mr. Singh filed a police report but the officer did not take him seriously. Mr. Singh felt that he could not pursue the man who shot at him because, as an undocumented immigrant, he runs the risk of his status being discovered by the police. The ability to report hate crimes or receive benefits such as health care and social services can be hampered if undocumented immigrants live in fear of being discovered. *Los Angeles Times*, May 16, 2006.

Madeeha is a 20-year-old woman from Pakistan who lives in Alexandria, Virginia. She was diagnosed with cardiomyopathy with her only chance of survival being a heart transplant. Due to her undocumented immigration status and lack of medical insurance, however, she was denied placement on the list of transplant candidates. *TheSaturdayPost.com*, July 1-7, 2006.

<sup>6</sup> "Unauthorized Migrants: Numbers and Characteristics," Pew Hispanic Center, Jeffrey S. Passel, 2005. Available at <http://pewhispanic.org/files/reports/46.pdf>.

<sup>7</sup> "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2008," Department of Homeland Security, Office of Immigration Statistics, 2009. Available at [http://www.dhs.gov/xlibrary/assets/statistics/publications/ois\\_ill\\_pe\\_2008.pdf](http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2008.pdf). No other statistics from 2008 are available of undocumented populations from other South Asian countries.

<sup>8</sup> "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2006," Department of Homeland Security, Office of Immigration Statistics, 2007. Available at [http://www.dhs.gov/xlibrary/assets/statistics/publications/ill\\_pe\\_2006.pdf](http://www.dhs.gov/xlibrary/assets/statistics/publications/ill_pe_2006.pdf). No other statistics from 2006 are available of undocumented populations from other South Asian countries.

**MYTH: LEGAL IMMIGRANTS ENCOUNTER FEW PROBLEMS WITH THE CURRENT IMMIGRATION SYSTEM.**

**PERSONAL ACCOUNTS:** Masud is an immigrant from Bangladesh who has had to leave behind his wife of four years in his home country. Although he is a lawful permanent resident in the United States, he has had to wait to bring his wife over. The only way he can see her is by making the trip back to Bangladesh. The last time he visited, he witnessed the birth of his son only to return alone soon thereafter to Sunnyvale, California, where he resides. *Knight-Ridder Newspapers*, 2005.

**A married couple originally from Pakistan, Aamir\* and Sumaira\* came to the U.S. and filed for green cards and work authorization in early 2006. After waiting over a year while their applications were pending, Aamir stopped receiving his work authorization and was told by the government that, for “undisclosed reasons,” he could no longer work. Ultimately, and only after a U.S. Senator intervened, the government informed the family that their petitions would be delayed due to background checks. As of September 2007, Aamir’s work authorization was finally granted but his green card application still remains pending. SAALT’s Documentation Project, May 2007.**

**REALITY:** Many South Asians have been fortunate enough to enter the U.S. through legal channels – including employment-based and family-sponsored visas. For example, in 2008

- Over 25,000 South Asians obtained admission through a family category<sup>9</sup>
- Over 30,000 were sponsored and admitted as immediate relatives of individuals residing in the U.S.<sup>10</sup>
- Over 150,000 individuals from South Asia entered the U.S. on H-1B visas<sup>11</sup> or as accompanying dependents<sup>12</sup>
- Over 32,000 South Asians used the employment-based preference system<sup>13</sup>

*However*, despite their status, even legal immigrants from South Asia face difficulties with the current immigration system. Many wait extraordinarily long periods of time in order to be reunited with family members – some South Asians sponsored by U.S. citizen siblings wait nearly eleven years, and many green card holders wait at least five years to be reunited with spouses and children.<sup>14</sup> Such restrictions affect newer immigrants even more harshly by isolating them from a family support network needed in a different country.

South Asian skilled workers on H-1B visas also face unique challenges resulting from restrictions on their status. Severe visa caps make it difficult for South Asians to come and fill jobs. In fact, in 2007, the annual cap for H-1B visas was filled within one day.<sup>15</sup> Moreover, once H-1B workers are here, they must endure long waits for green cards because of annual per-country caps and are unable to change jobs or get promoted, effectively stunting their professional growth.

Spouses and dependents of H-1B workers who enter the U.S. as H-4 visaholders also suffer from immigration restrictions. Under the terms of their visas, these spouses are unable to work, gain public benefits, or get a social security number; in some states, it is difficult to even get a

driver’s license without the spouse’s consent. Many are unable to progress in their careers and be self-sufficient as they wait for their green cards. For some trapped in abusive marriages, their stay in the U.S. becomes even more challenging as their immigration status requires cooperation from their abusive spouse – forcing them to choose between remaining in a violent marriage or losing their immigration status.

<sup>9</sup> 2008 Yearbook of Immigration Statistics, Department of Homeland Security, Office of Immigration Statistics, August 2009.

<sup>10</sup> *Id.*

<sup>11</sup> The H-1B visa is a temporary status granted to foreigners employed in specialty occupations. Individuals who enter the U.S. on H-1B visas are able to ultimately adjust their status to green-card holders.

<sup>12</sup> 2008 Yearbook of Immigration Statistics, Department of Homeland Security, August 2009.

<sup>13</sup> *Id.*

<sup>14</sup> “Visa Bulletin”, Department of State, August 2009.

<sup>15</sup> “USCIS Reaches FY 2008 H-1B Cap” *USCIS Update*, April 3, 2007.

Moreover, many South Asians have been experiencing unexplained security-related delays and FBI background checks in their green card and naturalization applications.<sup>16</sup> Despite having properly filed for these benefits and demonstrating eligibility, many have been informed that their applications are being retained for further investigation. According to the U.S. Citizenship and Immigration Service (USCIS) Ombudsman, FBI background checks were an issue in over fifteen percent of all written case problems received and, as of May 2006, USCIS reported over 235,000 name checks pending, with approximately 65% pending more than 90 days and 35% pending more than one year.<sup>17</sup> According to a recent report by the Center for Human Rights and Global Justice, such delays in naturalization have not only prevented individuals becoming citizens, but also subjected South Asians to additional screening when traveling to and from their countries of origin.<sup>18</sup> Delays in processing these applications are unjustly denying many South Asians the right to many immigration benefits they are eligible for. While measures were taken by USCIS and the FBI, many community members still continue to report delays.

**MYTH: I AM AN IMMIGRANT WHO OBEYED THE LAW AND WAITED FOR YEARS TO COME HERE. WHY SHOULD THOSE WHO BROKE THE LAW BE ALLOWED TO CUT IN LINE AND GET AMNESTY?**

**REALITY:** There are two myths in the above statement. *First*, many proposed legislative measures do not set forth an amnesty; rather they call for a form of legalization with various stringent requirements that must first be met. Permanent resident status and citizenship are not granted automatically – rather, they are privileges acquired over time. Under some of the past proposed bills that have been considered by Congress, certain undocumented immigrants can eventually become citizens only after they pay fines and back-taxes, learn English and establish they have been here for a requisite number of years. Moreover, undocumented immigrants cannot obtain legal permanent residency until after the existing backlogs for immigrant visas are cleared.

*Second*, it is important to keep in mind that there are trends in place in our country today that contribute to undocumented immigration and worker exploitation: there is both a high demand for cheap labor, as well as an immigration system that does not provide enough visas for lower-skilled workers. *Many immigrants come to the United States through unauthorized channels to meet the demand for labor, but they are unable to avail themselves of visas that support their entry into the country.*

While some within our community are able to migrate legally, it is often because they benefit from a certain degree of privilege – be it family members established here or an employer in the United States willing to sponsor. Not all South Asian immigrants are fortunate enough to have such ties. We must eliminate the hierarchy of “suitable immigrants” that the current immigration system imposes in America.

**PERSONAL ACCOUNTS:** Terwinder, a Sikh mother of two American-born children came to the U.S. legally but fell out of status after overstaying her visa. She lived in the U.S. for 12 years with her family, running a small business with her husband. Police officers were assisting her with a flat tire in her home state of Wisconsin when they found that she had an outstanding deportation order and immediately arrested and deported her. *Los Angeles Times*, May 16, 2006

<sup>16</sup> *Americans on Hold: Profiling, Citizenship, and the War on Terror*, Center for Human Rights and Global Justice, New York University School of Law, April 2007.

<sup>17</sup> *Citizenship and Immigration Services Ombudsman, Annual Report 2006*, United States Citizenship and Immigration Services, 2006.

<sup>18</sup> *Americans on Hold: Profiling, Citizenship, and the War on Terror*, Center for Human Rights and Global Justice, New York University School of Law, April 2007.

# Talking Points for Asian American & Pacific Islanders (AAPIs)

This document should be considered complementary to the overall campaign narrative.

The AAPI community is the fastest growing minority group in the U.S. and is incredibly politically active. The number of AAPI voters increased 23% between the 2004 and 2008 presidential elections. Many of these 3.4 million voters reside in key electoral states and are a growing and powerful voice for immigration reform. AAPI voters in 11 different states responding to a 2008 exit poll stated that civil rights/immigrant rights was the second most important issue following the economy. AAPIs care about immigration reform and here is why:

## URGENCY

- **AAPIs have a stake in the passage of comprehensive immigration reform.** According to the Census Bureau, there are 15.34 million AAPIs (comprising over 40 different ethnicities with its own unique heritage and history) and nearly 60% are immigrants. There are more than 1.2 million undocumented AAPIs and over 2 million individuals waiting abroad to receive family visas. Community members are affected by ongoing detention and deportation; this is especially true for the Southeast Asian and Pacific Islander communities, where many young Cambodian Americans, Tongans and Fijians are being repatriated often to lands which many of them never knew. And in the wake of 9/11, targeted enforcement of the AAPI community, in particular South Asians and Muslims, continues to compromise immigrants' due process rights and civil liberties.
- **AAPIs are hurt by the backlog.** While many AAPIs enter as refugees, asylees, students or through employment-based immigration, the vast majority of AAPIs arrive through the family immigration system. Although AAPIs comprise only 5% of the U.S. population, they sponsor more than a third of all family-based immigrants, and nearly half of the backlog is composed of AAPI applicants. Of the ten countries with the longest backlogs, over half are in Asia. Thousands of AAPI families must wait years to be reunited with their loved ones, and some may risk becoming undocumented in order to join their families. AAPI U.S. citizens must wait between 6 and 23 years to be reunited with adult children and siblings after petitioning on their behalf, and spouses and children of green card holders must wait between 5 and 11 years to be eligible for immigrant visas. Facing the longest backlogs, Chinese and Indian siblings must wait 10 years, while Filipino sibling applicants may wait up to 23 years.
- **AAPIs are undocumented.** An estimated 1 in 10 AAPIs are undocumented and do not have access to legalization and all the protections and rights that legal status entails. Among Korean Americans, roughly one in five is undocumented<sup>19</sup>. The backlog of family visas and the insufficient number of employment-based visas—both high and low-skilled—are two of the major reasons for undocumented immigration.

## VALUES

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<sup>19</sup> Department of Homeland Security, Office of Immigration Statistics, Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2008

- **The family is the basic unit of our society.** From our families, we learn core values such as fairness and equality, and respect for our neighbors. Immigrants supported by strong families are more likely to integrate into American life by participating in their communities and paying taxes.
- **Family members care for one another in times of personal and economic hardships.** Together, families buy homes and start businesses that create jobs. All sponsors are required by law to be able to support any family they bring over.
- **An immigration system that is rooted in the fair treatment of immigrants and includes practical solutions reflects the fundamental principles upon which this country was founded.**
- **As a nation, we are stronger and at our best when we recognize and respect the contributions of all its residents.** AAPIs and immigrants are America's families, workers and neighbors seeking to build the American dream.

## **SOLUTIONS**

- **Comprehensive immigration reform is a common sense and fair solution that is vital for America's prosperity and security.** Like all Americans, AAPIs and immigrants arrived to contribute to the greatness and strength of this nation, from the arts and science to the economy. In 2009, 1.1 million Asian-owned firms provided jobs to 2.2 million employees and had receipts of \$326.4 billion. To address today's economic crisis and tomorrow's future challenges, it is in our shared national interest to promote measures that enable everyone to contribute to their fullest.
- **AAPI communities support comprehensive information reform that will:**
  - Create a path to citizenship,
  - Keep families together and eliminate the family backlog,
  - Bring back proportionality and judicial discretion in the immigration system,
  - Allow young people the opportunity to realize their full potential,
  - Restore due process and uphold standards of treatment of those in detention (including provision of essential health care and language access services) that respect civil rights and basic decency, and
  - Protect workers' rights and promote immigrant integration.

# ASIAN AMERICANS & PACIFIC ISLANDERS AND FAMILY-SPONSORED IMMIGRATION<sup>20</sup>

## Overview

Family unity is the cornerstone of America's immigration laws. U.S. citizens and legal immigrants, or green card holders, may bring their closest family members from other countries to live permanently in America through the family-based immigration system. To apply for a family-based visa, immigrants must have a sponsor in the United States who will sign a contract promising to support them financially. In all, family sponsorship accounts for more than 85 percent of legal immigration to the United States.

In the family immigration system, qualifying relationships are grouped into two main categories: *immediate relatives* and *family preference*. Immediate relatives are the spouses, unmarried minor children and parents of U.S. citizens. Relatives in the family preference category are the unmarried or married adult children of citizens, spouses and unmarried children of green card holders, or the siblings of citizens. Neither citizens nor green card holders may sponsor more distant family members such as aunts, uncles and cousins. The annual ceiling for all family-based immigration is 480,000 individuals per year. While there is no numerical limit on immediate relative visas, family preference visas are capped at 226,000 per year.

Each year, the number of family members who apply for one of the visas through the family preference categories exceeds the number of visas available. A combination of limits on overall visas and visa caps per country contributes to long wait times for reunification of immigrant families. These waiting periods extend for years and even decades. There are family members from China, India and the Philippines, for example, who have been waiting between 10 and 23 years.

Asian Americans are the most likely to have family members caught up on the visa backlogs. Nearly two-thirds of Asian Americans are foreign-born—the highest percentage of any major ethnic group. With so many close loved ones overseas, Asian Americans rely on family sponsorship to keep their family units intact. Thus, although Asian Americans comprise only 5 percent of the U.S. population, they sponsor more than a third of all family-based immigrants. Nearly half of the family members in the visa backlogs are relatives of Asian Americans.

## Asian Family Immigration in 2008 and 2009

The U.S. State Department issued more than 400,000 family immigration visas in 2008:

- Ninety percent of legal immigration from Asia was family-based.
- Asian immigrants received 39 percent of the worldwide family immigration visas.

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<sup>20</sup> Modified from an AAJC fact sheet.

More than an estimated 4 million people are in the worldwide family backlog. According to the U.S. State Department, in March 2009 six Asian countries were among the top 10 with family members waiting abroad:

1. Mexico 961,744
- 2. Philippines 401,849**
3. Dominican Republic 136,070
- 4. China 132,235**
- 5. India 115,394**
- 6. Vietnam 109,910**
- 7. Bangladesh 50,275**
8. Haiti 50,029
9. El Salvador 48,776
- 10. Pakistan 45,905**

\*All figures obtained from State Department Visa Office tables for fiscal year 2008 and visa bulletin for March 2009.

### Country of Birth of the Unauthorized Immigrant Population: January 2008 and 2000

Country of birth	Estimated population in January		Per cent of total		Percent change	Average annual change
	2008	2000	2008	2000	2000 to 2008	2000 to 2008
All countries	11,600,000	8,460,000	100	100	37	390,000
Mexico	7,030,000	4,680,000	61	55	50	290,000
El Salvador	570,000	430,000	5	5	35	20,000
Guatemala	430,000	290,000	4	3	48	20,000
Philippines	300,000	200,000	3	2	51	10,000
Honduras	300,000	160,000	3	2	81	20,000
Korea	240,000	180,000	2	2	37	10,000
China	220,000	190,000	2	2	14	—
Brazil	180,000	100,000	2	1	72	10,000
Ecuador	170,000	110,000	1	1	50	10,000
India	160,000	120,000	1	1	29	—
Other countries	2,000,000	2,000	17	24	0	—

— Represents less than 5,000

Detail may not sum to totals because of rounding.

**Source:** Michael Hoefler, Nancy Rytina, Bryan C. Baker, “Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2008,” Population Estimates 2009, U.S. Department of Homeland Security, [http://www.dhs.gov/xlibrary/assets/statistics/publications/ois\\_ill\\_pe\\_2008.pdf](http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2008.pdf).



# IMMIGRATION POLICY CENTER

...providing factual information about immigration and immigrants in America

August 17, 2009

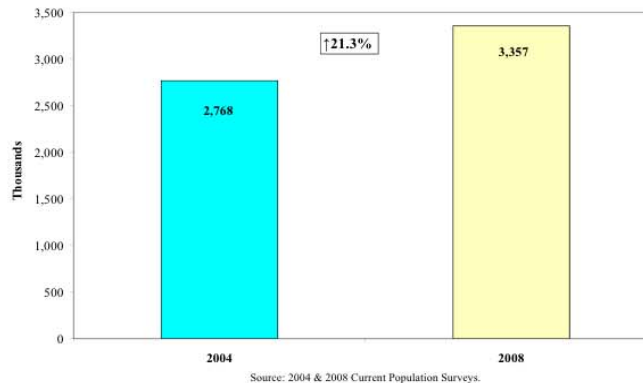
## ASIAN CLOUD IN THE VOTING BOOTH: Census Data Underscores Growing Power of Asian Voters

Data from the 2008 election, released in late July by the [U.S. Census Bureau](#),<sup>1</sup> illustrates the growing electoral power of Asian voters. A comparison of Current Population Survey data on voters in the [2004](#)<sup>2</sup> and [2008](#)<sup>3</sup> elections reveals the extent to which the ranks of Asian voters have increased in only four years.<sup>4</sup> This data should serve as a demographic wake-up call to politicians that they cannot ignore the concerns of Asian voters without paying a price at the polls. Given that the overwhelming majority of Asians are immigrants or children of immigrants,<sup>5</sup> one of these concerns is immigration reform. Political candidates should pay particular attention to the rapid rise of Asian voters in many states—including electorally key, and often pivotal, states such as California, Virginia, Arizona, Colorado, and Ohio.

**The number of Asian voters in the United States increased significantly between 2004 and 2008.**

- The number of Asian voters in the United States increased by 21.3%, or 589,000—from 2.8 million in 2004 to 3.4 million in 2008 {Figure 1}.

Figure 1: Asian Voters in the United States in 2004 and 2008 Elections



**The number of Asian voters increased significantly in several electorally key states such as California, Virginia, Arizona, Colorado, and Ohio between 2004 and 2008.**

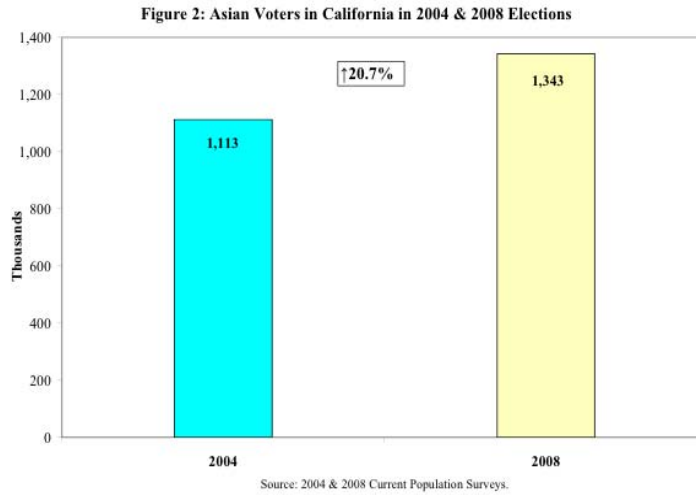
- In California, which is home to more than one-third of all Asians in the United States,<sup>6</sup> the number of Asian voters increased by 20.7%, or 230,000—from 1.1 million in 2004 to 1.3 million in 2008 {Figure 2}.

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**THE IMMIGRATION POLICY CENTER**

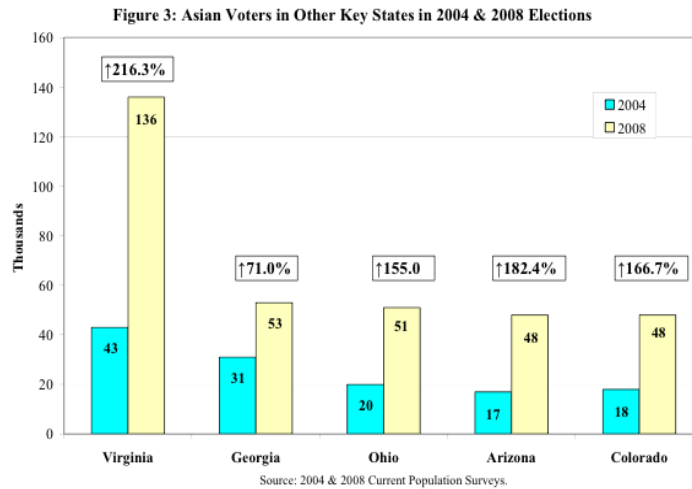
1331 G STREET, NW • WASHINGTON, DC 20005 • TEL: (202) 507-7500 • FAX: (202) 742-5619

[www.immigrationpolicy.org](http://www.immigrationpolicy.org)



➤ The number of Asian voters increased by {Figure 3}:

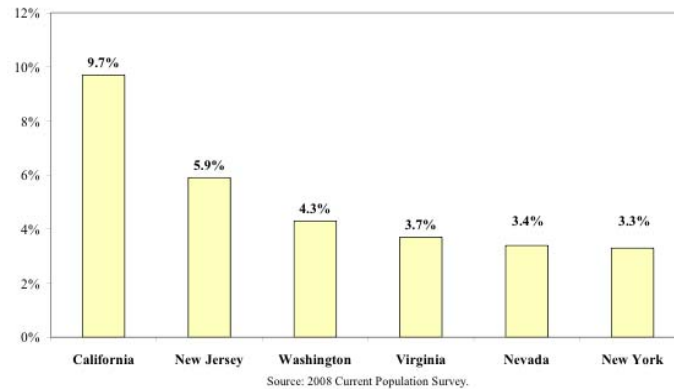
- 216.3% in Virginia (from 43,000 to 136,000).
- 182.4% in Arizona (from 17,000 to 48,000).
- 166.7% in Colorado (from 18,000 to 48,000).
- 155.0% in Ohio (from 20,000 to 51,000).



**Asians were a significant share of the total electorate in Hawaii, California, and New Jersey in 2008.**

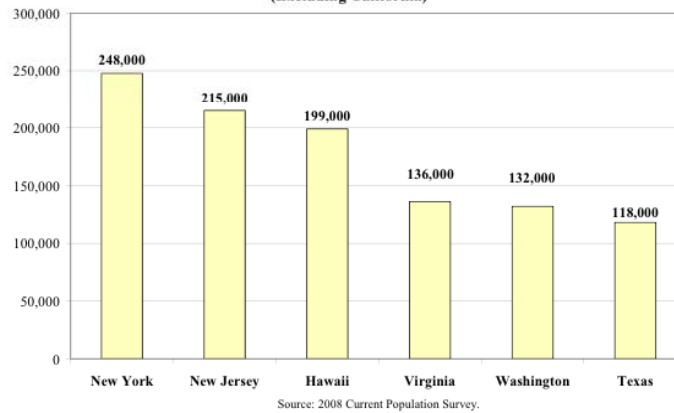
- 43.5% of all voters in Hawaii were Asian in 2008.
- Asians accounted for one-in-ten voters in California, and nearly 6% of voters in New Jersey {Figure 4}.

Figure 4: States with the Highest Asian Shares of Voters in 2008 Election  
(Excluding Hawaii)



- Outside of California, the states with the largest numbers of Asian voters in 2008 were New York, New Jersey, Hawaii, Virginia, Washington, and Texas {Figure 5}.

Figure 5: Other States with Large Numbers of Asian Voters in 2008 Election  
(Excluding California)



Most Asian voters likely have a personal connection of some sort to the immigration debate that has begun to percolate in Congress. When these voters go to the polls again for the 2010 midterm elections, they will no doubt be aware of which candidates have tried to make good on President Obama’s promise of comprehensive immigration reform—and which candidates have not. It is worth noting that in North Carolina (one of the [nine states](#) that went from “red” to “blue” in the 2008 election),<sup>7</sup> the number of Asian voters was roughly three times greater than Barack Obama’s [margin of victory](#)<sup>8</sup> over John McCain.

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202-507-7507

## Endnotes

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<sup>1</sup> U.S. Census Bureau News, [“Voter Turnout Increases by 5 Million in 2008 Presidential Election, U.S. Census Bureau Reports: Data Show Significant Increases Among Hispanic, Black and Young Voters,”](#) July 20, 2009.

<sup>2</sup> U.S. Census Bureau, Current Population Survey, Voting and Registration in the Election of November 2004, [“Table 4a. Reported Voting and Registration of the Total Voting-Age Population, by Sex, Race and Hispanic Origin, for States: November 2004.”](#)

<sup>3</sup> U.S. Census Bureau, Current Population Survey, Voting and Registration in the Election of November 2008, [“Table 4b. Reported Voting and Registration of the Voting-Age Population, by Sex, Race and Hispanic Origin, for States: November 2008.”](#)

<sup>4</sup> “Hispanic” (or “Latino,” in this report) is defined by the U.S. Census Bureau as an ethnic category, whereas “white,” “black,” and “Asian” are defined as racial categories. Individuals who identify themselves as Hispanic may also identify themselves as white, black, or Asian. The Census Bureau data released in July provides separate figures for all “whites” and for “non-Hispanic whites” in particular, but does not do the same for blacks and Asians. As a result, there is some overlap between the figures for Hispanics (Latinos) and for blacks and Asians. However, this overlap is relatively small.

<sup>5</sup> According to the [2007 American Community Survey](#), roughly 67% of Asians in the United States were foreign-born.

<sup>6</sup> [2007 American Community Survey 1-Year Estimates](#).

<sup>7</sup> *New York Times* website, [Election Results 2008](#), December 9, 2008.

<sup>8</sup> U.S. Electoral College, [2008 Presidential Election: Popular Vote Totals](#).

# To Be, We DREAM

## DREAM Act Fact Sheet

*All the children in the country should be children of the country.*  
- Bob Moses

### Building a Movement of Immigrant Students

Stand with immigrant children and young people to gain access to higher education for all.

Make your voice heard:

1. Call your Senators and Representatives at 202-224-3121, President Obama at 202-456-1111. Visit [www.congress.org](http://www.congress.org) to find your Congress Member.
2. Organize your school to hold workshops and actions.
3. Contact NAKASEC to join listservs and get active.



*To get involved or for more information:*

National Korean  
American Service and  
Education Consortium

Los Angeles National Office  
323-937-3703  
Washington D.C Office  
202-339-9318  
[www.nakasec.org](http://www.nakasec.org)

Korean Resource Center  
323-937-3718  
[www.krcla.org](http://www.krcla.org)

Korean American Resource  
and Cultural Center  
773-588-9158  
[www.chicagokrcc.org](http://www.chicagokrcc.org)

Each year, 65,000 undocumented immigrant students graduate from U.S. high schools, uncertain whether they will have an opportunity to achieve their dreams. Raised in the U.S., these students are denied a chance to build a future in America, the country they call home. They also face many hardships including:

1. Difficulties pursuing higher education because they are denied financial aid, scholarships, and in-state tuition rates in most states.
2. Those that have the resources to graduate from an institution of higher education are unable to work in the field of their study or choice.
3. They live daily with the fear of being deported.

*There are 1.7 million undocumented immigrants under the age of 18 nationally. 1 in 5 Korean Americans are undocumented, including a significant percentage under 18 years of age.*

### DREAM Act

On March 26, 2009, the DREAM Act (Development, Relief, and Education for Alien Minors Act) was introduced as S. 729 and H.R. 1751. If passed, this national law will allow eligible undocumented immigrant students to legalize their immigration status and reach their fullest potential.

Qualifying students are eligible for conditional status which allows them to stay in the country for 6 years. During this time, the student must graduate from a 2-year college, complete 2 years towards a 4-year degree, or serve in the U.S. armed forces for two years. Students who meet these requirements will be granted legal permanent residency status.

To qualify for the DREAM Act, a student must:

1. Have been living in the U.S. more than 5 years prior to the bill's enactment.
2. Be 15 years old or younger at the time they came to the U.S.
3. Graduate from a U.S. high school or obtain a GED.

### In State Tuition

In most states, undocumented immigrant students must pay out-of-state tuition even if they meet the residency requirements for in-state tuition rates. Because out-of-state tuition can cost several times more and undocumented immigrant students are ineligible for scholarships or any form of financial aid, it is difficult for most to attend college.

As of June 2009, eleven states (California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, Washington, and Wisconsin) have passed laws providing in-state tuition for undocumented immigrant students. Many other states are considering similar laws.

Currently, students are eligible for in-state tuition if they:

1. Have attended a school in the state for a certain number of years.
2. Graduated from a high school in the state.
3. Signed an affidavit stating that they will legalize as soon as they are eligible.

**Comprehensive Immigration Reform for America's Security and Prosperity (CIR ASAP)  
Act of 2009**

**SUMMARY**

**TITLE I - BORDER SECURITY, DETENTION, AND ENFORCEMENT**

**Subtitle A - Border Security:**

Subtitle A of Title I assembles a vision of effective and accountable enforcement for the 21<sup>st</sup> century through maximizing border security by requiring the Secretary of Homeland Security to form a national strategy that is consistent with the progress already made. In order to achieve these goals, oversight and accountability for the Department of Homeland Security is emphasized, especially as they pertain to fiscal appropriations and cost-benefit analyses of operations and programs.

**Protecting Our Borders:** This subtitle protects United States border cities and communities from violence and crime along the U.S.-Mexico border by:

- Creating a Southern Border Security Task Force that is composed of federal, state, and local law enforcement officers
- Requiring a security plan for land ports of entry at the borders involved in international trade
- Expanding the programs under the Customs-Trade Partnership Against Terrorism that is in accordance to the SAFE Port Act
- Improving the exchange of information between federal agencies on North American Security by a conducting a targeted study of security clearance standards, document integrity, immigration and visa management and coordination, terrorist watch lists and smuggling operations

**Effective Enforcement:** Subtitle A achieves effective enforcement by improving personnel, assets and technology. This section:

- Supports additional training, oversight and evaluation for agents who are the first face of America at the borders
- Ensures that Customs and Border Protection have sufficient personal equipment like body armor, weapons, and uniforms, and that Customs and Border Protection have sufficient assets such as helicopters, power boats, motor vehicles and other electronic equipment
- Promotes standards for searches of electronic devices and appropriate training for agents in conducting such searches
- Minimizes wasteful spending by developing and studying comprehensive uses of advanced technologies, such as aerial and automated surveillance
- Requires an inventory prior to any increase of personnel assets and technology

**Securing Ports of Entry:** Our nation's ports of entry are modernized for our economic benefit and security by conducting a study of the infrastructure and operations to identify necessary improvements and projects to enhance border security and the flow of legitimate commerce and travel. This section:

- Improves infrastructure and recalibrates resources and training to allow for more effective screening of commercial goods and individuals so as to minimize threats to national security at ports of entry
- Increases the number of full-time port of entry inspectors, agricultural specialists, and support staff to improve the timely and safe flow of commercial goods and individuals
- Establishes a demonstration project to test and evaluate new port of entry technologies and also refines existing technologies and operational concepts

**Combating Criminal Activity:** This subtitle recognizes the role of state law enforcement at the border in combating criminal activity by creating border relief grant programs for Northern and Southern border state, local and tribal law enforcement entities. This section:

- Enables better training and technical assistance for state and local partners that deals with narcotics-related kidnapping, drug trafficking and the interdiction of weapons and currency
- Facilitates information-sharing and collaboration between federal and state partners
- Suspends the Operation Streamline program pending review of the goals, impacts and cost-benefit analyses
- Reimburses Northern and Southern border state and local prosecutors for prosecuting federally initiated drug cases
- Provides expanded resources for Operation Armas Cruzadas and Project Gunrunner to identify, investigate, and prosecute individuals involved in the trafficking and smuggling of firearms between Mexico and the United States.

**Improving Partnerships:** The importance of border communities as partners and allies are recognized as key in achieving effective enforcement by prioritizing community consultation in developing enforcement policies, border protection strategies and training. This subtitle:

- Establishes the U.S.-Mexico Border Enforcement Commission and a Border Communities Liaison Office to foster and institutionalize community consultation
- Prohibits military involvement in non-emergency border enforcement
- Prioritizes mitigating adverse impacts to federal, tribal, state, local and private lands, waters, wildlife and habitats by promoting cross-agency development of comprehensive monitoring and mitigation of ecological and environmental impacts of border security infrastructure and activity

**Combating Human Trafficking:** Subtitle A requires the development and implementation of a plan to improve coordination amongst federal and state partners to address human smuggling and migrant deaths. This section calls for additional ICE agents dedicated to combating human smuggling are stationed at ports of entry, requires reporting on migrant deaths, and establishes a study of strategies used at the Southern border to address this problem.

**Subtitle B - Detention:**

**Improving Conditions of Detention:** The bill requires DHS to meet minimum requirements to ensure the humane treatment of detainees. Minimum requirements include:

- Adequate medical and mental health screenings, evaluations, medically necessary treatment, and continuing care
- A review process for medical treatment requests and complete and confidential medical records

- Reasonable access to telephones, affordable rates, and privacy protections for calls
- Protections from sexual abuse, care for victims, and reports and investigations of abuse
- Protection from transfers that fail to consider health and access to counsel

To ensure compliance with minimum detention conditions, the bill requires rulemaking and enforcement. An independent immigration detention commission is established to investigate and report on compliance. DHS must report the death of a detainee within 48 hours, and report annually to Congress on the circumstances of all deaths in detention.

**Protecting U.S. Citizens, Lawfully Present Immigrants, Vulnerable Populations, and Communities:** This section increases screening and protections during immigration-related enforcement activities for U.S. citizens, Legal Permanent Residents, others lawfully present in the U.S., and vulnerable populations. Social service agencies, translators, and legal services must be available during enforcement activities. DHS will be required to:

- Issue regulations prohibiting apprehensions at enumerated community, educational, and religious locations
- Provide access to legal orientation programs and access to counsel during enforcement activities and for disabled individuals unable to fully participate in removal proceedings
- Give timely notice and service of immigration charges, as well as timely bond hearings if detained more than 48 hours

This section increases protections for individuals subject to immigration detainers, limits the use of detainers to confirmed removable aliens, and requires DHS to collect data and report on detainer use. The unnecessary detention of refugees is prohibited. DHS is required to report to Congress on the impact of immigration-related enforcement activities.

**Improving Secure Alternative to Detention Programs:** Criteria are established to guide detention and release decisions and require release for vulnerable populations. Detention decisions must be in writing, served upon detainees, and are subject to redetermination by an immigration judge.

**Protecting Family Unity:** Families with children may not be separated except in exceptional circumstances where alternatives to detention are not available. Residential, non-penal facilities are developed for any necessary family detention with appropriate protections for children and parental rights. The bill includes safeguards for families and children during immigration-related enforcement actions by:

- Improving child welfare services for children separated from parents and guardians who are in immigration detention or have been removed
- Requiring training for federal and state personnel who interact with separated children and for staff at immigration detention facilities on parental rights, humanitarian, and due process protections
- Ensuring protections for detained parents, guardians, and caregivers in immigration detention to promote access to children, family courts, child welfare services, and consular officials

**Protecting Unaccompanied Alien Children:** Training is required for DHS employees who encounter unaccompanied alien children. Upon apprehension of an unaccompanied alien child, immediate notice is required by DHS or ORR and transfer to ORR custody within 24 hours.

### **Subtitle C - Enforcement:**

**Protecting workers:** Provides temporary visas and work authorization for detained workers when they have been retaliated against by their employer for asserting their labor rights and they agree to pursue labor claims against their employer. Also expands U visas to provide for whistleblower protections with regard to worker exploitation, civil rights violations and retaliation for exercising labor rights.

**Address Reporting:** Clarifies address reporting requirements

**Ending Discrimination:** Preempts any state or local law that discriminates against an individual based on immigration status or imposes sanctions on any individual or entity based on the immigration status of its clients, employees or tenants

**Repeals the 287(g) program:** Repeals the 287(g) program and clarifies that the authority to enforce federal immigration law lies solely with the federal government

**ICE Ombudsman:** Establishes an Immigration and Customs Enforcement (ICE) Ombudsman

**Asylum:** Eliminates the arbitrary 1-year bar to applying for asylum

**Restores federal jurisdiction:** Restores the federal courts of their jurisdiction to review decisions and practices of DHS thereby also restoring the historic role that the courts play in reviewing agency actions

## **TITLE II - EMPLOYMENT VERIFICATION**

This section sets up an employment verification system for employers to verify each new hire's authorization to work. The new system will eventually apply to all workers and all new hires, and will be rolled out in phases, beginning with critical infrastructure employers and large employers. The employment verification system:

- Creates significant civil penalties for employers who do not comply with the requirements under the new system
- Establishes serious criminal penalties for knowingly hiring unauthorized aliens
- Debars employers who repeatedly violate these provisions from government contracts, grants, and agreements
- Includes privacy safeguards by limiting the data that can be collected and stored in the database and requiring the agencies to develop the system with maximum security and privacy protections
- Requires the agencies to evaluate impact of system from a privacy perspective and complete privacy impact statements
- Prohibits creation of a national identification card
- Includes anti-discrimination provisions. Forbids employers from using the new system to discriminate against applicants or employees on the basis of nationality. Prohibits employers from terminating employment due to a tentative non-confirmation, using the system to screen employees prior to offering employment, or using the system selectively

- Allows an individual to register with the Social Security Administration and acquire a PIN that would allow them electronic access to their file in the system, update their information, and lock their file for purposes of employment

### **TITLE III - VISA REFORMS**

#### **Backlog Reduction and Numerical Limit Reforms:**

**Reduction of existing backlogs:** Permits the “recapture” of unused employment-based visas and family-sponsored visas from fiscal years 1992-2008 and allows future unused visa numbers to roll over to next fiscal year. Immediate relatives are exempted from the annual cap on the number of immigrant visas. This section increases the percentage limit of visas which may be issued yearly to a single country.

**Promotion of Family Unity:** To recognize family unity principles and facilitate backlog reduction, reclassifies spouses and children of lawful permanent residents as immediate relatives. The government is given greater discretionary authority to waive unlawful presence bars to reunite families upon a demonstration of hardship for applicant’s U.S. citizen or lawful permanent resident family members.

**Sons and daughters of Filipino World War II veterans:** Exempts the sons and daughters of Filipino WWII veterans from the annual numerical limitations.

**Immigrants with Advanced Skills Exempt from Visa Cap:** Exempts several categories of highly skilled workers from the employment-based immigrant visa cap.

**Retaining Workers Subject to the Green Card Backlog:** Current nonimmigrant skilled workers whose employer has petitioned for an employment-based green card on their behalf and their dependents will be permitted to file an application for adjustment of status, regardless of whether a visa is immediately available. An applicant under this section must pay a supplemental \$500 fee, to be used by DHS for backlog reduction and clearing security background check delays. The Secretary shall provide employment and travel authorization in 3-year increments while the application is pending.

#### **Protection of Children and Families:**

**Relief for Orphans and Widows:** Ensures that surviving spouses and children applying for adjustment of status or naturalization, including spouses and children of asylees and refugees, retain eligibility for waivers and other considerations that would have been available to them at the time of the petitioner’s death.

**Reform of Cancellation of Removal:** Permits immigration judges greater discretion in determining eligibility requirements for long-term lawful permanent residents seeking cancellation of removal. Eliminates prohibitions on including time spent in the United States after becoming inadmissible or being placed in removal proceedings as counting towards continuous presence requirements for cancellation of removal.

**Protection for Refugees, Parolees or Asylees:** Prohibits the removal of any individual who fled

his or her homeland for fear of persecution before the age of twelve and was subsequently admitted into the United States as a parolee or refugee or was granted asylum in the U.S.

**Enhanced Protections for Children:** Revises current law to ensure that the children of fiancés of United States citizens will be protected from aging out of eligibility to adjust to conditional resident status by requiring that eligibility determinations are based on the child's age at the time the U.S. citizen files a petition for classifying the child's parent as a fiancé or spouse. Eliminates the requirement that stepchildren must have been under the age of 18 at the time the qualifying marriage took place in order to be classified as a child for purposes of immigration eligibility.

**Limits on Removal for Parents of U.S. Citizen Children:** Permits an immigration judge to decline to order the removal of the parent of U.S. citizen child if the judge determines that removal would not be in the child's best interests and the parent is not subject to removal based on national security, terrorism or trafficking grounds.

**Determinations under the Haitian Refugee Immigration Fairness Act of 1998:** This section amends the Haitian Refugee Immigration Fairness Act of 1998 (HRIFA) to preserve eligibility for children of applicants based on their age on the date of enactment of HRIFA and permits new applications and motions to reopen on that basis.

**Affidavit of Support:** Revises the eligibility requirements for sponsorship of immigrants by reducing the level of support required from 125% of poverty level to 100% of poverty level.

**Return of Talent Program:** Permits lawful permanent residents to temporarily return to their home country to assist in post-conflict or natural disaster reconstruction activities, for up to two years without losing credit towards time as a continuous resident of the U.S. for purposes of applying for naturalization.

**Humanitarian Visa Program to Prevent Unauthorized Migration (PUM Visa):**

**Prevent Unauthorized Migration Visa (PUM Visa)** Creates a stop-gap new visa program that will provide for safe, humanitarian migration during the three-year transition period before the implementation of recommendations made by the new Labor Commission.

- One hundred thousand PUM visas will be made available annually, for three years, to persons from sending countries of unauthorized migration to the United States to be distributed on a percentage basis through a lottery system.
- Individuals may apply to the lottery if they are not present in the United States at the time of filing, do not have other family or employment-based means to immigration, submit to criminal background checks, and have completed less than a 4-year college degree program.
- Individuals awarded visas will be admitted to the United States as conditional residents and may petition to remove the condition after three years upon showing they have good moral character, pass all required background and security checks, comply with all tax requirements and other factors, including payment of a \$500 fee that will be used to fund security and employment programs.

## **TITLE IV – EARNED LEGALIZATION PROGRAM FOR THE UNDOCUMENTED**

**Visa Program for Qualified Undocumented Workers:** Creates a program providing conditional nonimmigrant status for undocumented immigrants (and their spouses and children) in the U.S., which is valid for six years.

### **Features of the Conditional Nonimmigrant Program:**

- Provides conditional nonimmigrant visa applicants with work and travel authorization and protection from removal
- Bars related to undocumented status will be waived (security and criminal bars cannot be waived)
- Contains provisions for administrative and judicial review of denied applications

### **Requirements for Conditional Nonimmigrant Status:** The alien must:

- Establish presence in the U.S. on the day of introduction, and continuously thereafter
- At time of registration, attests to contributions to the U.S. through employment, education, military service, or other volunteer/community service (with exemptions for minors, persons with disabilities, the elderly, or other unusual circumstances)
- Complete criminal and security background checks
- Pay a \$500 fine plus necessary application fees (fine exemption for children and certain immigrants who initially entered the U.S. before the age of 16)
- The individual shall be ineligible to receive a visa as a result of a serious criminal conviction, persecution of another person or reasonable grounds for believing that the alien committed a particularly serious crime abroad
- There is a penalty of up to five years' imprisonment for anyone who willfully falsifies information in an application for conditional nonimmigrant status

**Adjustment of Status to LPR:** Provides qualified conditional nonimmigrants and their spouses and children with an opportunity to apply for lawful permanent resident status (green card) and eventual citizenship.

### **Features of the Earned Adjustment of Status Program:**

- No green cards may be issued under this program earlier than six years after the date of enactment unless existing immigrant backlogs have been cleared before that time
- The Department of State and DHS are required to provide any requesting law enforcement entity with information furnished on an application in connection with a criminal or national security investigation or prosecution
- New penalties for making false statements in an application for earned citizenship are created
- Immigrants who adjust from a conditional nonimmigrant visa (including dependents) to lawful permanent resident status shall not be counted against the worldwide numerical visa caps
- Those appealing decisions associated with the application for adjustment to permanent status have access to a defined administrative and judicial process

**Special Rule for Persons Brought to the United States Before the Age of 16:** In order to simplify processing of applicants under CIR ASAP, those persons ordinarily covered under the

DREAM Act will apply for status through the same program outlined above, with the following special features:

- No fines for persons who were brought to the United States before the age of 16, have resided in the U.S. for at least five years, and were 35 years of age or less
- Such persons will be eligible for accelerated LPR status upon graduation from high school, and completion of two years of college, military service, or employment. Persons granted LPR status under this provision will be eligible for naturalization three years after the date LPR status is granted
- Graduation from a U.S. high school or receipt of an equivalency degree will meet the English proficiency requirement
- Individual states permitted to determine residency requirements for in-state tuition purposes

**Requirements for Earned Adjustment:** The applicant must:

- Demonstrate contribution to the United States through employment, education, military service, or voluntary or community service, where applicable
- Complete criminal and security background checks
- Establish registration under the Selective Service (if applicable)
- Meet English and civics requirements
- Undergo a medical examination
- Pay all taxes
- Show admissibility to the U.S

**Other Provisions in Title IV:**

- AgJOBS Act of 2009

## **TITLE V - STRENGTHENING AMERICA'S WORKFORCE**

Title V of CIR ASAP strengthens America's workforce by reforming the badly-flawed H-1B, H-2B and L-1 visa programs and establishes a Commission on Immigration and Labor Markets to provide researched, unbiased, accurate recommendations for future flows of workers. It also permanently reauthorizes the EB-5 visa program and establishes stricter requirements for employers and recruiters of foreign workers. Title V additionally establishes the American Worker Recruit and Match System which will match qualified individuals with job opportunities in fields that traditionally have relied on unauthorized labor. Furthermore, this title establishes the Security and Prosperity Account which directs funds raised from fines in the earned legalization program to fortify America's workforce, integrate new Americans and safeguard our borders.

**Commission on Immigration and Labor Markets:** Title V establishes a new independent federal agency known as the Commission on Immigration and Labor Markets. The Commission will:

- Establish employment based-immigration policies that promote economic growth and competitiveness while minimizing job displacement, wage depression and unauthorized employment
- Create and implement a policy-focused research agenda on the economic impact of immigration on multiple levels

- Collect and analyze information on employment-based immigration and publish the data and analysis
- Recommend to Congress and the President appropriate methods for determining the levels of employment-based immigration and assessing the effects of such immigration as well as the numerical levels and characteristics of procedures for future flows of workers to be admitted into the United States

**Security and Prosperity Account:** The Security and Prosperity Account is established in Title V to fund efforts to strengthen our workforce, including:

- Grants to states for adult and dislocated worker employment and training activities
- Funding for the Electronic Employment Verification System to ensure that all individuals working in the U.S. are authorized to do so
- Funding for the Commission on Immigration and Labor Markets to provide sound, researched and objective employment based immigration policy
- Dislocated workers assistance national reserve funding
- Establishment of AWRMS programs and funds educational purposes
- Funding to reduce the USCIS visa backlog to ensure a timely and reliable process for all individuals applying for visas and further the integration of new Americans with programs that, for example, facilitate citizenship for legal permanent resident students and create citizenship promotion services
- Funding for border security, detention and enforcement activities

**American Worker Recruit and Match System:** Title V establishes the American Worker Recruit and Match System (AWRMS), which is an internet-based program that is set up by each State Workforce Agency (SWA) to be incorporated into current Web-based job search engines. AWRMS is a searchable database that allows employers to post job opportunities in fields that have traditionally relied on unauthorized labor. In addition, individuals can post their employment profiles and AWRMS will match employers with qualified individuals.

**Protecting Workers:** Title V protects foreign workers from exploitation and abuse by ensuring that each prospective employee is provided a written description of the terms of their employment which may not knowingly include any misleading or false information. In addition, each employer must provide to the Secretary of Labor the identity of all recruiters working on their behalf and any possible violations committed by a recruiter. An employer will be held responsible for the actions of a recruiter and may be subject to civil penalties.

**H-1B visa program:** The current H-1B visa program does not adequately protect American or H-1B workers. Title V reforms the H-1B visa program to:

- Ensure that before an employer can hire an H-1B worker, the employer must meet strict requirements for the recruitment of American workers
- Authorize the Department of Labor (DOL) to initiate investigations into possible fraud and abuse in the absence of a formal complaint and/or the Secretary's approval.
- Increase penalties for violations
- Authorize the DOL to conduct annual audits of employers that rely heavily on the H-1B program

**L-1 visa program:** The L-1 visa program is currently vulnerable to fraud and abuse. CIR ASAP authorizes the Secretary of Homeland Security to audit L-1 visa participants. Penalties will be assessed for violations of the provisions of the L-1 visa program.

**H-2B visa program:** The H-2B visa program is reformed to prevent the exploitation of H-2B non-immigrants and the depression of wages and other workplace abuses by exploitative employers. Reforms to the program:

- Include stricter requirements for recruitment of American workers
- Prevent employers from participating in the program if they have conducted a mass lay-off in the past year and includes strengthened worker protections

**EB-5 Visa program:** The EB-5 Visa program is permanently reauthorized within Title V with an increase in available visas to 10,000. It also allows for an expedited processing of petitions for a fee of \$2,500. The definition of Targeted Employment Area (TEA) is expanded to include:

- Rural areas,
- High-unemployment areas
- Counties with a 20 percent or more population decrease since 1970
- Areas within the boundaries of state or federal economic development incentive programs
- Areas designated as TEAs by a state agency authorized by the Governor
- Areas designated as TEAs during the two year period before visa application

In addition, Title V requires the Secretary of Homeland Security to study and report on the current job creation counting methodology and how to promote the employment creation program to overseas investors. Lastly it creates a new category of job-producing foreigners eligible for visas: venture capitalist seeking a Founder's visa.

## **TITLE VI - INTEGRATION OF NEW AMERICANS**

**Immigration Fees:** Immigration fees have risen steeply in the past decade. Title VI will ensure that future fee increase requests receive closer scrutiny than provided by the largely perfunctory regulatory public comment process. Title VI incorporates and expands on provisions of the Citizenship Promotion Act of 2007 to make citizenship more accessible and affordable. This title:

- Provides for greater transparency for immigration application fees and encourages a uniform process to submit fee waiver applications
- Provides for uniform administration of the naturalization exam
- Promotes citizenship of the elderly by adjusting the age requirements for English language exemption

**Improving the Naturalization Process:** The process for naturalization is lengthy and difficult to navigate. Title VI creates reforms that encourage citizenship among immigrant communities. This section requires timely response on background checks and evaluates their efficiency. In addition, this title includes a grant program for community based organizations to promote and help immigrants prepare for citizenship. These grants in support of naturalization efforts will assist legal permanent residents with:

- English language and citizenship classes
- Legal assistance

- Community outreach activities
- Assisting aliens with applications for citizenship

### **Integration Grant Programs:**

Title VI includes a grant program for education, training and support efforts relating to the provisions of the CIR ASAP Act, including protections from immigration fraud and the availability of benefits provided by the act. Provisions ensure that to the extent possible, the nonprofit community organizations receiving grants serve geographically diverse and ethnically diverse locations.

**USCIS Grant Program:** Title VI establishes a grant program within USCIS that provides funding to community-based organizations, including community-based legal service organizations, as appropriate, to develop and implement programs to assist eligible applicants for naturalization. Grants provided for in Title VI will be funded through fees and fines deposited in the Security and Prosperity Account.

**Initial Entry, Adjustment, and Citizenship Assistant Grant Program:** Title VI establishes the Initial Entry, Adjustment and Citizenship Assistance Grant Program. IEACA grants will be awarded to community-based organizations for the design and implementation of programs to provide the following services:

- Assistance and instruction, including legal assistance, to aliens making initial application for conditional nonimmigrant or conditional nonimmigrant dependent classification
- Assistance and instruction, including legal assistance, to aliens seeking to adjust their status
- Assistance and instruction to applicants on the rights and responsibilities of US citizenship and English language proficiency

**Improving Naturalization for Legal Permanent Residents:** Facilitates citizenship among Legal Permanent Resident students that want to naturalize. Legal Permanent Resident students will be deemed to have satisfied the language and civics requirements for naturalization if they are able to demonstrate they graduated high school after completing grades 6 through 12 in the United States and the curriculum reflects knowledge of U.S. history, Government, and civics.

**Strengthening Communities:** Title VI strengthens and unites communities by creating incentives for English language acquisition programs. Creates tax credits for teachers in limited English proficient schools. Provides employers with a tax credit for qualified English language education programs. Authorizes states to form State New American Councils comprised of 15-19 individuals from state and local government, business and community organizations.

**Celebrating Citizenship:** Title VI celebrates the citizenship of new Americans and encourages these individuals to integrate into their communities. It provides for the availability of funds to the Director of USCIS or to approved public or private nonprofit entities to support public ceremonies for administering oaths of allegiance to naturalizing legal immigrants. Independence Day naturalization ceremonies include appropriate outreach, ceremonial, and celebratory activities. This program shall be funded through fees and fines deposited in the Security and Prosperity Account.

# DREAM Act: Summary

Updated MARCH 2009

The DREAM Act is bipartisan legislation that addresses the tragedy of young people who grew up in the United States and have graduated from our high schools, but whose future is circumscribed by our current immigration laws. Under current law, these young people generally derive their immigration status solely from their parents, and if their parents are undocumented or in immigration limbo, most have no mechanism to obtain legal residency, even if they have lived most of their lives here in the U.S. The DREAM Act would provide such a mechanism for those who are able to meet certain conditions.

The latest version of the DREAM Act, also known as the Development, Relief, and Education for Alien Minors Act (S. 729), was introduced on March 26, 2009, by Dick Durbin (D-IL) and Richard Lugar (R-IN) in the Senate. In the House of Representatives, the bill is called the American Dream Act (H.R. 1751), and it was introduced that same day by Howard Berman (D-CA), Lincoln Diaz-Balart (R-FL), and Lucille Roybal-Allard (D-CA).

The DREAM Act would enact two major changes in current law:

- Permit certain immigrant students who have grown up in the U.S. to apply for temporary legal status and to eventually obtain permanent status and become eligible for U.S. citizenship if they go to college or serve in the U.S. military; and
- Eliminate a federal provision that penalizes states that provide in-state tuition without regard to immigration status.

If enacted, the DREAM Act would have a life-changing impact on the students who qualify, dramatically increasing their average future earnings—and consequently the amount of taxes they would pay—while significantly reducing criminal justice and social services costs to taxpayers.

## KEY FEATURES OF THE DREAM ACT OF 2009

### ■ Path to legal residency: Who would qualify?

Under the DREAM Act, most students with good moral character who came to the U.S. at age 15 or younger at least five years before the date of the bill's enactment would qualify for *conditional permanent resident status* upon acceptance to college, graduation from a U.S. high school, or being awarded a GED in the U.S. Students would not qualify for this relief if they had committed crimes, were a security risk, or were inadmissible or removable on certain other grounds. The Senate bill contains an additional requirement that the student be under age 35.

### ■ Conditional permanent resident status

Conditional permanent resident status would be similar to lawful permanent resident status, except that it would be awarded for a limited duration—six years under normal circumstances—instead of indefinitely.



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Students with conditional permanent resident status would be able to work, drive, go to school, and otherwise participate normally in day-to-day activities on the same terms as other Americans, except that generally they would not be able to travel abroad for lengthy periods and they would not be eligible for Pell Grants or certain other federal financial aid grants. They would, however, be eligible for federal work study and student loans, and states would not be restricted from providing their own financial aid to these students. Time spent by young people in conditional permanent resident status would count towards the residency requirements for naturalization.

#### ■ Requirements to lift the condition and obtain regular lawful permanent resident status

At the end of the conditional period, unrestricted lawful permanent resident status would be granted if, during the conditional period, the immigrant has maintained good moral character, avoided lengthy trips abroad, and met at least one of the following criteria:

- Graduated from a two-year college or certain vocational colleges, or studied for at least two years toward a B.A. or higher degree, or
- Served in the U.S. armed forces for at least two years.

The six-year time period for meeting these requirements would be extendable upon a showing of good cause, and the U.S. Department of Homeland Security would be empowered to waive the requirements altogether if compelling reasons, such as disability, prevent their completion and if removal of the student would result in exceptional and extremely unusual hardship to the student or to the student's spouse, parent or child.

#### ■ In-state tuition: Restore state option

The DREAM Act would also repeal section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which currently discourages states from providing in-state tuition or other higher education benefits without regard to immigration status. Under section 505, states that provide a higher education benefit based on residency to undocumented immigrants must provide the same benefit to U.S. citizens in the same circumstances, regardless of their state of residence.

Since section 505 became law, ten states have enacted laws permitting anyone, including undocumented immigrants, who attended and graduated from high school in the state to pay the in-state rate at public colleges and universities. The ten states are Texas, California, Utah, Washington, New York, Oklahoma, Illinois, Kansas, New Mexico, and Nebraska. These states all pay the section 505 penalty by providing the same in-state discount rate to current residents of other states who previously went to high school and graduated in the state. The DREAM Act would repeal this penalty. This would not require states to provide in-state tuition to undocumented immigrants, but rather would restore this decision to the states without encumbrance.

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#### FOR MORE INFORMATION, CONTACT

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## **Strengthening the DREAM Act – Talking Points<sup>21</sup>**

Youth groups affiliated with the National Korean American Service & Education Consortium (NAKASEC), Korean American Resource & Cultural Center (KRCC), and the Korean Resource Center (KRC) have outlined their core principles for a strong DREAM Act. We recognize that compromises have been made in the past to garner additional support and have seen how this process strips away critical provisions that increase access to eligibility. For those reasons we strongly urge that the House & Senate come out with a comprehensive immigration bill that incorporates a strong DREAM component with the following four principles:

### Community Service

*Background:* When the DREAM Act was first introduced in 2001, there were three ways in which immigrant youth could become eligible for legalization – two years of college, military service and community service. However, the community service provision was dropped in 2003 during Senate negotiations with the intent to attract more Republican support.

*Why we support this:* Community service is valuable to building good moral character and provides invaluable experience and skills-building in teamwork, communication, responsibility, and other essential skills that will help for the rest of a youth's life. Ultimately community service is about contributing to society and developing social responsibility.

### Age caps

*Background:* This provision was introduced in 2007 during the Senate DREAM Act debate to supposedly emphasize that the beneficiaries of DREAM are youth and not adults.

*Why we oppose this:* The 30-year old age cap leaves out many potential beneficiaries who fulfill all of the other requirements. Since 2001 when DREAM Act was introduced, countless number of young students who organized and advocated for passage alone have aged out.

### In-State Tuition

*Background:* In 2007, legislative language to strike Section 505 from the Immigration & Nationality Act was dropped from the Senate version of the DREAM Act. Section 505 never mandated that states offer in-state tuition; instead it clarifies for state agencies that the provision of in-state tuition to undocumented students would not put them in conflict with existing federal immigration law.

*Why we support this:* The difference between in-state and out-of-state tuition can be the determining factor for a student to pursue higher education. For example, non-residents must pay an additional \$20,670 for one year at UCLA. Fortunately California is one of 9 states that provide access to in-state tuition for certain eligible immigrant students; 41 states deny in-state tuition arguing that federal immigration law forbids access to in-state tuition to undocumented students. A dangerous by-product is that in some cases, such as in the North Carolina community college system, undocumented students have been barred admission to public institutions of higher education.

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<sup>21</sup> Co-written by NAKASEC, Korean Resource Center in Los Angeles & Korean American Resource & Cultural Center in Chicago

Defining “minor”:

*Background:* Of all the provisions listed in this memo, this is a new provision meant also to increase access for DREAM Act eligibility. DREAM Act states that youth must have come to the U.S. at age 15 or younger at least 5 years before the date of the bill’s enactment.

*Why we support inclusion:* We believe that the age limit should increase from 15 to less than 17 years old at time at least five years before the date of the bill’s enactment. The definition of “minor” in the U.S. refers to individuals under the age of 18. There are youth who come to the U.S. before the age of 18, attend high school and graduate at a later age, often into their early 20s.

## **Summary of the Reuniting Families Act (H.R. 2709)<sup>22</sup>**

Reuniting Families Act - Amends the Immigration and Nationality Act (INA) to establish the fiscal year worldwide level of employment-based immigrants at 140,000 plus: (1) the previous year's unused visas; and (2) the number of unused visas from FY1992-FY2007.

Establishes the fiscal year worldwide level of family-sponsored immigrants at 480,000 plus: (1) the previous year's unused visas; and (2) the number of unused visas from FY1992-FY2007.

Revises the definition of "immediate relative" to: (1) mean a child, spouse, or parent of a U.S. citizen or lawful permanent resident (and for each family member of a citizen or resident, such individual's accompanying spouse or child), except that in the case of parents such citizens shall be at least 21 years old; (2) permit a widow or widower of a U.S. citizen or resident to seek permanent resident status if married at least two years at the time of the citizen's or resident's death or, if married less than two years, by showing through a preponderance of the evidence that the marriage was entered into in good faith and not solely to obtain an immigration benefit; and (3) include an alien who was the child or parent of a U.S. citizen or resident at the time of the citizen's or resident's death if the alien files a petition within two years after such date or prior to reaching 21 years old.

Increases immigration visas for: (1) unmarried sons and daughters of U.S. citizens; and (2) brothers and sisters of U.S. citizens.

Provides a 60,000 visa allocation for the unmarried sons and daughters of permanent resident aliens.

Increases annual per country (10% of annual total) and dependent area (5% of annual total) limits for employment-based and family-sponsored immigrant visas.

Expands specified family-unity exceptions to unlawful presence-based inadmissibility.

Provides specified relief for orphans and spouses regarding: (1) petitions for immediate relative status; (2) parole eligibility; (3) permanent resident status adjustment; and (4) processing of immigrant visas.

Filipino Veterans Family Reunification Act - Exempts children of naturalized Filipino World War II veterans from worldwide or numerical immigrant limitations.

Makes a minor child of an alien fiancée/fiance or of an alien spouse of a U.S. citizen eligible for derivative K-visa status provided that the child's age is determined using such child's age at the date that the petition to classify such child's parent as a K-visa alien is filed with the Secretary of Homeland Security.

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<sup>22</sup> Summary written by the Congressional Research Service.

Authorizes the Secretary or the Attorney General to adjust the status of a fiancée/fiancee or alien spouse and any minor children (K-visa) to conditional permanent resident status if such alien marries the petitioner within three months after U.S. admission.

Redefines "child" for purposes of titles I and II of the Act to include a stepchild under 21 years old. (Current law includes a stepchild who has not reached 18 years old at the time the marriage creating the status of stepchild occurred.)

Uniting American Families Act of 2009 - Amends INA to include a "permanent partner" within the scope of such Act.

Defines "permanent partner" as an individual 18 or older who: (1) is in a committed, intimate relationship with another individual 18 or older in which both individuals intend a lifelong commitment; (2) is financially interdependent with the other individual; (3) is not married to, or in a permanent partnership with, anyone other than the individual; (4) is unable to contract with the other individual a marriage cognizable under this Act; and (5) is not a first, second, or third degree blood relation of the other individual.

Defines "permanent partnership" as the relationship existing between two permanent partners.

Defines "alien permanent partner" as the individual in a permanent partnership who is being sponsored for a visa.

# HOW MUCH LONGER CAN WE WAIT FOR IMMIGRATION REFORM?

Asian Pacific Americans for Progress, <http://www.apaforprogress.org>

Sara Sadhwani

Mon, 08/17/2009 - 22:14



For nearly a decade, reforming our broken immigration system has been a central concern of immigrant communities, including Asian American and Pacific Islander communities. Despite several heated rounds of debate, legislators have been locked in a stalemate and unable to move forward a comprehensive reform package.

Last week, while meeting with leaders from Mexico and Canada, President Obama stated that immigration reform must wait until 2010. For immigrant communities living and working in the shadows of a world without papers, for the millions of families separated sometimes for decades by administrative backlogs, and the thousands of families torn apart by harsh enforcement practices, being punted to 2010 for political convenience isn't good enough.

This debate has been raging on for several years, without any positive resolution. In December 2005, just before Congress recessed, the then Republican-led house passed a heinously restrictive immigration bill, HR 4437. The "Sensenbrenner bill" as it was dubbed for the author, Wisconsin representative James Sensenbrenner, would have established a long list of enforcement programs targeting the estimated 12 million immigrants living and working in the US without documents. Perhaps the most controversial provision of the bill was making any assistance to an undocumented person a felony, punishable with jail time. The bill did little to nothing to improve the system dysfunctions, such as the more than 10 year backlog many families face waiting to be reunited.

The bill enraged immigrant communities and advocates of human rights, and galvanized faith communities. Spontaneous marches erupted throughout the nation in big cities such as New York

and Chicago, but also in small communities throughout the Midwest. On Ash Wednesday, 2006 the Roman Catholic Los Angeles Cardinal Roger Mahony announced that clergy and laity would ignore and defy HR 4437, were it to become law and he encouraged his parishioners to spend the forty days of Lent reflecting on the need for humane immigration reform.

Over the years, we have seen several rounds of debate each one mired in political maneuvering and messaging campaigns. Conservative activists have turned a term like “amnesty” into a dirty word, while political pundits on Fox News and Lou Dobbs have used constant imagery to effectively define all immigrants as young Mexican men crossing the border fence. But as Asian Americans and Pacific Islanders, impacted by the broken immigration system in our daily lives, we know their claims are simply hateful lies.

And as the years have passed, the need for immigration reform has only increased. Within AAPI communities, an estimated 1.5 million people continue to live without documentation and punitive immigration laws have torn apart AAPI families and communities. Immigrants who have established roots in the United States, including legal permanent residents, are being detained and deported for minor infractions. This is especially true for the Southeast Asian and Pacific Islander communities, where many young Cambodian Americans, Tongans and Fijians are being repatriated often to lands which many of them never knew. And with the downturn in the economy, immigrant scapegoating has begun to mirror the sentiments of times gone by, such as the Chinese exclusion and Japanese internment.

With the launch of the National Asian American Week of Action, a diverse cross-section of AAPI community leaders came together from across the nation to call for immigration reform. While the health reform debate continues to loom before us, AAPI communities and advocates cannot allow immigration reform to slip into the background. Join the week of action by [sharing your immigration story](#), participating in a national text-in on August 20<sup>th</sup>, and by calling your member of Congress ((202) 224-3121) and asking him or her to support a fair and humane immigration reform legislation this year!

## Asians to meet on immigration: Town hall in Chicago expected to detail difficulties many have in reuniting with loved ones

### Groups hoping to call attention to efforts in reducing obstacles to U.S. citizenship

By [Antonio Olivo](#)

[August 22, 2009](#)

In an Immigration movement driven largely by Spanish-speaking Latinos, there haven't been many, if any, chants of "Yes, we can!" echoing through Chicago in Mandarin (*Wo mun ke yi!*), Hindi (*Hum kar saktay hae!*) or Korean (*Halsu ee da!*)

But those rallying cries will take center stage Saturday during a planned Asian "town hall" meeting expected to draw several hundred people eager to have their stories heard.



Among several Asian-themed Immigration events occurring nationwide this week, the rally inside the Salvation Army church in North Park is partly an effort to diversify the message of a movement whose mostly Mexican flavor has drawn intense scorn from groups resentful of illegal border crossings.

The first of its kind in the city, the event is also a coming-out party of sorts for Asian immigrant organizations in Chicago that have been gaining momentum in their efforts to mobilize a community of roughly 350,000 Asian and Pacific Island immigrants in the region long unwilling to publicly air its problems.

"The community is maturing in a different way ... in a way to not be afraid to talk about these things," said Tuyet Le, executive director of the Asian American Institute, which is coordinating the meeting. "People are seeing this as their own issue."

Many grievances over the nation's Immigration system stretch across ethnicities. But, some problems – such as the bureaucracy surrounding temporary work visas for high-tech jobs – resonate more among Asians.

The procedure for family reunification – a concept central to the system where a U.S. citizen can sponsor a blood relative's Immigration application – is filled with cases of Asian immigrant parents and children who have been separated for years due to backlogs in processing.

"I'm not justifying the actions of those who enter illegally, but people resort to that because it's easier for them to get in," said Tiza Burke, 60, a Filipino immigrant who said she waited 24 years for an older sister's application to be processed.

For Chinese immigrants, such familial separation has undermined the immense cultural value

placed on family unity since the Chinese Exclusion Act of 1882 – which barred new immigrants from entering the U.S. until it was nullified in 1943.

Now, many decades later, the impact is still devastating, said Zhu Lei, 55, who arrived from Beijing last year to reunite with U.S.-citizen parents she hadn't seen in nine years.

“We are like strangers,” Zhu said through a translator.

She worries the same thing will happen between her and a daughter in Beijing whose nine-year-old Immigration application was rejected last year after she turned 25 and, therefore, aged out of the process.

Inside the Korean American Resource and Cultural Center in West Ridge, a group of high school students recently prepared posters for the rally that illustrated several chapters in Asian-American history.

One highlighted the Japanese internment camps during World War II. Another boasted about Korean-American diver Sammy Lee, who in 1948 became the first Asian-American to win an Olympic gold medal.

Somewhere between those dark and bright chapters is the story of Mike K., 19, an undocumented Korean immigrant hoping for reforms to allow students in the country illegally to receive conditional permanent residency.

Showing his promise as a graphic designer, Mike – who spoke on condition of anonymity – won a high school contest last year sponsored by the Google Corp. that sought new ideas for the search engine company's home page. But, his entry – a graduation-themed celebration of scholastic achievement – couldn't be submitted because of his illegal status, he said.

“I feel like I missed a big opportunity,” he said, as his friends worked on their posters. “I can't stand it.”

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<http://archives.chicagotribune.com/2009/aug/22/local/chi-asian-immigration-22-aug22>

## East Bay student pursues dream of citizenship

By Chris DeBenedetti

Correspondent Posted: 10/22/2009 01:25:55 PM PDT

The Oakland Tribune

When his mother told him that he and his family are undocumented immigrants, Ju Hong was devastated.

The East Bay teen's seemingly normal childhood had been darkened overnight by a sad fact of which he had been blissfully unaware. Like millions of American immigrants, he learned, his mother fled economic desperation in her country for the United States. Like many others, she overstayed her visa with the hope of attaining citizenship for herself and her children. She never reached that goal.

Today — nearly a decade after settling in the Bay Area — Hong is a productive, law-abiding resident who desperately wants American citizenship. But until he gets it, he will be pushed — like other undocumented immigrants — to live in the shadows. He also risks deportation.

"I have a life that's a daily lie," said Hong, a student at a Bay Area college. "Emotionally, I'm drained because any day anything can happen to me."

But instead of playing the victim, Hong is actively trying to find a solution. The answer, he believes, lies in improving immigration laws. With that goal in mind, he spoke last week at a Santa Clara rally, telling the crowd his life story and why the need for immigration reform is greater than ever. He then joined nearly 1,000 people in a march that ended at Santa Clara University.

Hong also joined more than 300 people from nearly 30 states last month in Washington, D.C. There, he attended a [Citizenship Day rally](#). He also met with congressional aides, asking them to support the [DREAM Act](#), proposed federal legislation that would ease the path to citizenship for undocumented immigrants.

It was Hong's first trip to the nation's capital. He made the journey with the help of the [National Korean American Service & Education Consortium](#) (NAKASEC), a national cultural and civil rights organization, and the Los Angeles-based [Korean Resource Center](#).

Sookyung Oh, a NAKASEC official, said she hopes the students' experience improves their understanding of what citizenship really means.

"Not just the legal definition of citizenship, but also the idea of giving service to a community and making it a better place," Oh said. "We want to redefine citizenship as an action rather than a status."

Some critics of undocumented immigrants argue that their illegal status undermines the regular citizenship process, and that they take jobs that legal citizens might hold. However, Hong said all he wants is the freedom to give back to the country he calls his true home.

"My intention is to contribute to society, to work to boost the nation's economy," he said.

"We're not criminals; we're striving to get an education and to make contributions to society."

Hong is hopeful that the proposed Dream Act one day will provide him a path to citizenship, removing the biggest obstacle to him reaching his full potential. In the

meantime, Hong hopes to use his new leadership role to help find solutions that benefit the country and its immigrants from all backgrounds.

"I want one day to get my law degree and maybe work in government," he said. "I'd like to help others like me. I'd like to help those who are in my situation."

[http://www.insidebayarea.com/timesstar/localnews/ci\\_13619363](http://www.insidebayarea.com/timesstar/localnews/ci_13619363)



# Deepa Iyer pushes family reunification at White House meet

**AZIZ HANIFFA**  
IN WASHINGTON, DC

Deepa Iyer, executive director of South Asian Americans Leading Together, SAALT, made a strong case for family reunification and for an end to the lengthy backlogs faced by United States citizens sponsoring their relatives.

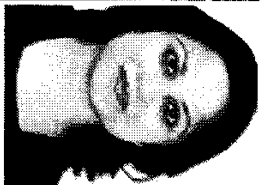
Iyer was the only Indian American at last month's White House summit to discuss immigration reform convened by Janet Napolitano, Secretary of the Department of Homeland Security. President Barack Obama made a brief appearance to speak of his commitment for speedy immigration reform, to a group that included representatives from business, law enforcement, labor, interfaith groups, immigrant rights organizations and community organizations.

"The fact that President Obama dropped in and expressed his commitment to immigration reform is heartening, and by providing this forum for immigration rights advocates to share priorities and raise concerns with current immigration policies, certainly represents a positive step," Iyer told *India Abroad*.

However, she said, "it was disappointing that when Secretary Napolitano presented the Department of Homeland Security's principles on immigration reform, the issue of family reunification was not raised as a priority." Iyer pointed out that South Asians living in the United States "suffer the emotional and financial strain of being separated from their loved ones due to inordinate delays in processing visa applications, and in fact a US citizen spon-



South Asians, seen here during a Diwali celebration, hope immigration reform will bring relief in the form of family reunification programs and, inset, Deepa Iyer



PARSH GANOH

Iyer pointed out. "As a predominantly foreign-born community, South Asians often face challenges navigating the current protracted and cumbersome immigration system and would be significantly affected by immigration reform, and so we want to make sure they are protected."

Iyer and other leaders in the space have been proselytizing with senior lawmakers in Congress. Recently, the National Coalition of South Asian Organizations, a network of 39 organizations that serve the community, under the aegis of SAALT launched the One Community United

soring a sibling from India must currently wait 11 years or longer for a visa." Hence, said Iyer, she had made a strong push for reform in this regard, and also advocated the case for minors being sponsored by legal permanent residents" so they can be exempted from existing visa caps.

"My main focus was to speak about family reunification and the lengthy backlogs that exist and to put forth some recommendations in terms of messaging and communication to the general public at large," she said.

Organizations like SAALT, Iyer said, will closely monitor the process and ensure that the opinions of South Asian organizations and individuals nationwide were heard on the subject. "We've always been involved deeply in the immigration issue and for a long time we've been advocating for just and humane changes to immigration policies,"

Campaign for immigrant and human rights. It is also as part of this push that SAALT recently brought on board a full-time policy director in Priya Murthy to monitor legislative and administrative policies affecting the community, and also to conduct advocacy on various policies issues and develop educational materials for the South Asian community members and organizations.

Iyer called on the community to weigh in on the issue, and suggested that for starters individuals should "call your members of Congress and let them know that a just and humane immigration reform is necessary for South Asians and all Americans." She also urged the community to join the One Community United Campaign, and attend the various town hall meetings that are being planned around the country.

# KEEP THIS CARD

## WITH YOU



### TO WHOM IT MAY CONCERN:

Please be informed that I am choosing to exercise my right to remain silent and the right to refuse to answer your questions. If I am detained, I request to contact an attorney immediately. I am also exercising my right to refuse to sign anything until I consult with my attorney.

I want to contact this attorney or organization:  
Telephone number:  
Thank you.

Contact: Korean Resource Center

323.937.3718

**"IF I GET STOPPED..."**

**A KNOW**

**YOUR RIGHTS**

**GUIDE**



민족학교 Korean Resource Center (KRC)  
900 S Genshaw Blvd., Los Angeles, CA 90019  
Tel: (323) 937-3718 Fax: (323) 937-3526 Web: krc.ca.org

## WHAT TO SAY

If immigration or police comes to your home or work...

"May I see your warrant, please?"

If immigration or police ask you a question

"I reserve my right to remain silent."

"I want to speak to a lawyer."

"I need a Korean interpreter."

If immigration or police stop you on the street...

"Am I free to go?"



<sup>23</sup> For Korean, visit: <http://nakasec.org/blog/1317/kor-know-your-rights-nakasec>.

