



February 13, 2013

The Honorable Patrick J. Leahy
Chairman
Senate Committee on the Judiciary
U.S. Senate
Washington, D.C. 20510

The Honorable Chuck Grassley
Ranking Member
Senate Committee on the Judiciary
U.S. Senate
Washington, D.C. 20510

Re: The Senate Committee on the Judiciary hearing on “Comprehensive Immigration Reform”

Dear Chairman Leahy and Ranking Member Grassley:

On behalf of the Asian American Justice Center (AAJC) and the other affiliate members of the Asian American Center for Advancing Justice, a non-profit, non-partisan affiliation representing the Asian American and Pacific Islander community on civil and human rights issues, we write concerning today’s Senate Committee on the Judiciary Hearing: “Comprehensive Immigration Reform”. AAJC and our other affiliates¹ commend the Committee for holding this important hearing and we look forward to working with the Committee Members and other Members of Congress to craft fair and humane immigration legislation that benefits all Americans.

We urge you and your members to work for a solution that includes:

- Prioritizing family unity by immediately and expeditiously eliminating visa backlogs and creating a direct, inclusive, and workable path to citizenship;
- Ensuring fairness, equality and due process in our enforcement, detention and deportation systems;
- Promoting our economy by valuing and protecting all workers; and
- Supporting immigrants as they integrate and strive for new opportunities in the U.S.

U.S. immigration policy has directly impacted our community dating back to 1882 when Congress explicitly prohibited Chinese Americans from settling in the U.S. It took Congress another 80 years before fully repealing these exclusionary laws. As a result, today approximately 60% of Asian Americans are foreign born, the highest proportion of any racial group nationwide. Asian immigrants continue to make up a significant number of new Americans. For example, in fiscal year 2011, 42% of people who became legal permanent residents were from Asia. In a survey after the November 2012 election, approximately 82% of Asian American voters in California said immigration played an important role in how they viewed presidential candidates. Consequently, comprehensive immigration reform is deeply important to the diverse Asian American community.

PRIORITIZE FAMILY UNITY

Reunite families by reducing visa backlogs: The family immigration system is a critical part of our immigration system and a very important issue to the Asian American community. Asian Americans

¹ In addition to AAJC, the other members of the Asian American Center for Advancing Justice are Asian American Institute in Chicago, Asian Law Caucus in San Francisco, and Asian Pacific American Legal Center in Los Angeles.

make up a growing population of 6% in the U.S. and sponsor more than one third of all family-based immigrants.

Our current broken system disproportionately harms Asian American families, resulting in massive backlogs and heartache. Of the almost 4.3 million close family members of U.S. citizens and legal permanent residents waiting to be reunited with their loved ones, nearly two million are from Asia. Of the top five countries with the largest backlogs —potential active members in our society including high-skilled and low-wage workers — four are Asian nations.

Immigrants like Marichris Arce from the Philippines, now a naturalized U.S. citizen, know firsthand the impact of the broken family system. Ms. Arce was separated from her parents and younger siblings for six years while she waited for her visa to be processed. She later married and lived an ocean away from her husband for seven years for the same reason. Due to the difficulty in obtaining a visa, Marichris' husband missed the birth of their first child and only saw his daughter for six weeks each year for the first four years of their daughter's life.

Our American values demand a strong family-based system. Family unity is the cornerstone of America's immigration laws. Since our country's founding, entire families would immigrate to the U.S. in search for opportunity. Forcing families to live apart for years and even decades is simply un-American. Protecting and strengthening the current family-based immigration system is economically sound policy for the U.S. Family-based immigration has significant economic benefits, especially for long-term economic growth. An immigration system that truly reflects our nation's values must recognize that strong families, including LGBT families, create a much-needed foundation for our communities and our economy to grow and prosper.

Establish an inclusive and humane path to citizenship: AAJC and our other affiliates advocate for a direct path to citizenship within a reasonable timeframe for all undocumented immigrants in the U.S. Asian Americans and Pacific Islanders (AAPIs) have a tremendous stake in legalizing the status of undocumented immigrants who remain in the shadows and are an indefinitely exploitable class of Americans. More than 1.3 million undocumented immigrants in the U.S. are from Asian countries.² According to the Pew Research Hispanic Center, over two-thirds of the undocumented population has lived in the U.S. for over a decade, contributing to this country's economy and culture. Many undocumented immigrants live in "mixed-status" families, and 73% percent of children of undocumented immigrants are U.S. citizens. Legalization furthermore makes good economic sense, generating \$1.5 trillion to the nation's GDP over 10 years and adding close to \$5 billion in tax revenue over the next three years according to the Cato Institute.

The Chen Family's story is just one of countless stories from aspiring citizens in the Asian American community. The Chen Family (a pseudonym) is a family of five consisting of a father and mother and their three sons. They are of Chinese ethnicity and upon arriving in the U.S., they immediately applied for asylum based on persecution they faced in Brazil on grounds of their ethnicity. An immigration judge denied their application for asylum and for close to a decade, they have been appealing that decision. Mr. Chen works seven days per week as a tile installer to support his family and provide for his sons' education. The family's youngest son recently graduated from the University of California, Santa Cruz, and intends to pursue a Master's Degree in Public Health. Tragically, their middle son was diagnosed with multiple brain tumors and after undergoing surgery and radiation two years ago, he continues to

² U.S. Dep't of Homeland Security, "Estimates of the Unauthorized Immigration Population Residing in the United States: January 2011" (March 2012), *available at* http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2011.pdf.

require intensive supervision and care to meet his most basic needs. Of all three sons, only this son was eligible for the Deferred Action for Childhood Arrivals (“DACA”) program. The rest of the family is facing deportation. While the family has been granted a reprieve from deportation in an exercise of prosecutorial discretion, this fix is temporary and lacks the work authorization that is necessary for the family to support itself.

We need solutions for hard-working immigrants like the Chen Family. The process for becoming a citizen should be inclusive, workable, affordable and humane, and should not impose punitive measures on undocumented immigrants. Continuous work or language requirements for legalization would impose additional unnecessary barriers, but in any case should include exceptions for age and disability, among other factors. Fines and fees imposed should be reasonable and should include an exception for those who cannot afford to pay.

Furthermore, aspiring citizens should be moving down a direct and inclusive path to citizenship at the same time that measures to erase the family-based visa backlogs are being implemented. Current proposals that undocumented immigrants “go to the back of the line” are not reasonable where the wait time for family members of U.S. citizens is up to 24 years and undocumented immigrants would need to wait 29 years to apply for citizenship. Moreover, three of the largest undocumented AAPI populations (Filipino, Indian, and Chinese) are also among the top five ethnic communities in the U.S. with the longest visa processing backlogs. The path should also not be contingent on enforcement benchmarks.

ENSURE FAIRNESS, EQUALITY AND DUE PROCESS IN ENFORCEMENT AND ADJUDICATION

In the past decade, we have deported more people than in the preceding century.³ This unprecedented rise in deportations has come with a parallel rise in the size of our immigration detention system. Today, there are over 32,000 people in immigration detention, nearly a 1700% increase from when immigration reform was passed in 1986 under President Reagan.⁴ Expenditures on immigration enforcement have also swelled eclipsing the budgets of all other federal law enforcement agencies combined.⁵

In large part, the rapid growth in our detention and deportation systems came as a result of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) which created new grounds of deportation for long-term Lawful Permanent Residents, stripped judges in many cases of the power to make individualized decisions about detention and deportation, and created broad new mandatory deportation grounds.⁶ Today Southeast Asians and Pacific Islanders are deported at a rate three times higher than other immigrants.⁷

The growth of our detention and deportation system also has been fueled by ICE’s Secure Communities (S-Comm) Program. Launched in 2008, this controversial program entangles local police with immigration enforcement. Although the stated purpose of this program is to identify and deport

³ “A Decade of Rising Immigration Enforcement”, Immigration Policy Center (January 2013) *available at* <http://www.immigrationpolicy.org/sites/default/files/docs/enforcementstatsfactsheet.pdf> at Fn2.

⁴ “The Math of Immigration Detention: Runaway Costs for Immigration Detention Do Not Add Up to Sensible Policies”, National Immigration Forum (August 2012) *available at* <http://www.immigrationforum.org/images/uploads/MathofImmigrationDetention.pdf>.

⁵ “Immigration Enforcement in the United States”, Migration Policy Institute (January 2013) *available at* <http://www.migrationpolicy.org/pubs/pillars-reportinbrief.pdf> at 12.

⁶ *See generally* 8 U.S.C. § 1226; IIRIRA § 303 (expanding mandatory detention); 8 U.S.C. § 1101(a)(43); IIRIRA § 321 (expanded definition of aggravated felony)

⁷ U.S. Dep’t of Homeland Security, “2010 Yearbook of Immigration Statistics,” (2010).

individuals with serious or violent felony convictions, about 7 out of 10 individuals deported nationally either do not have criminal convictions or were convicted of lesser offenses. As a result, S-Comm has come under fire for its lack of transparency, undercutting community policing strategies, and interfering with due process in the criminal justice system. ICE's superficial fixes to the program have not led to any real changes in the impacted communities. We need comprehensive reform that restores fairness, equality and due process to our immigration system.

Further, in keeping with our nation's values of equality and justice, immigration reform legislation should prohibit racial and religious profiling and also guard against overreaching national security justifications in immigration enforcement. Since the tragic events of September 11, 2001, federal immigration enforcement has magnified against Arab, Middle Eastern, Muslim, and South Asian Americans without adequate regard for individual rights.

The National Security Entry-Exit Registration System (NSEERS) Program is a case in point. NSEERS targeted immigrants based solely on their national origin and resulted in approximately 13,000 men from predominantly Muslim and Arab countries being placed in removal proceedings. There was not even one individual who was charged with a terrorism-related criminal offense.⁸ Not only should the NSEERS Program be eliminated outright, but the same mistakes should not be repeated with the entry-exit system expansion proposed in the Senate Bipartisan Framework for Comprehensive Immigration Reform. US VISIT opens the door again to selective enforcement based on race, religion, and national origin. Allowing this type of profiling in immigration law as a means to fight terrorism has failed in the past and will continue to be unreliable and inefficient. Rather, the universal norm should be strict and broad prohibitions on the use of race, religion, and national origin in enforcement of federal laws.

PROMOTE OUR ECONOMY BY VALUING AND PROTECTING WORKERS

Restrict and limit the use of electronic employment verification systems: Mandatory E-Verify will harm a disproportionate number of Asian Americans – including citizens and green card holders. A 2009 government-funded report found the error rate for foreign-born workers was *20 times higher* than that of U.S.-born workers.⁹ According to recent Census data, throughout the U.S., more than 8 million AAPIs are foreign born. The E-Verify program is of particular concern for the Limited English Proficient members of our community. The already confusing program will be extremely difficult to navigate for the more than 30% of Asian Americans who speak English less than very well.¹⁰

E-Verify promises to push vulnerable workers underground and lead to billions in lost tax revenue. Expanding or mandating E-Verify encourages employers to take undocumented workers off the books and push them into the underground economy where wage theft, indentured servitude and other workplace abuses are widespread. The loss of local, state and federal revenue to the underground economy is also profound. The U.S. Congressional Budget Office has estimated a loss of more than \$17.3 billion in federal tax revenue alone over ten years.

⁸ Kareem Shora and Shoba Sivaprasad Wadhia, NSEERS: The Consequences of America's Effort To Secure Its Borders (March 31, 2009), p.11, available at <http://www.adc.org/PDF/nseerspaper.pdf>,

⁹ Westat, Findings of the E-Verify Program Evaluation (December 2009), p.210, available at http://www.uscis.gov/USCIS/E-Verify/E-Verify/Final%20E-Verify%20Report%2012-16-09_2.pdf.

¹⁰ U.S. Census Bureau, 2007-2009 American Community Survey, 3-years Estimates.

E-Verify also increases regulatory burdens on employers, particularly small business owners. AAPIs own more than 1.5 million small businesses in the U.S., with receipts of \$507.6 billion.¹¹ E-Verify requires compliance training and capable infrastructure for electronic submission and subsequent work verification, taking away time and resources from employers that may not have an infrastructure in place. Businesses will have to direct resources to resolving tentative and false non-confirmations, rather focusing on productivity and growing our economy.

The current guest worker program is ripe with exploitation and abuses and must be overhauled: In making an immigrant worker's legal status contingent upon employment, current guest worker programs subject temporary workers to exploitation and forced labor. Workers lack the basic ability to change jobs if they are abused and instead often risk deportation, blacklisting, and retaliation if they challenge or report abuses.

The allegations in the pending *Signal International* case are illustrative. Represented by the Southern Poverty Law Center (SPLC), the Asian American Legal Defense Fund, and others, the plaintiffs in the case assert that Signal recruited more than 500 guest workers from India to the shipyards after Hurricane Katrina, coerced them into paying exorbitant travel and immigration-processing fees, threatened the workers with legal and physical harm, and then required them to live in Signal's guarded overcrowded labor camps where they were subjected to psychological abuse and wage theft.¹²

SPLC has alleged similar abuses in another pending suit involving more than 350 Filipino guest workers whose passports and visas were confiscated by their employer pending "repayment" of thousands of dollars of recruiting fees and costs – money which the workers had been forced to "borrow" from the employer at predatory interest rates.¹³

Current guest worker programs must be overhauled to prevent such abuses. Workers should be allowed to seek employment with different employers through portable visas and given full labor and workplace rights and protections regardless of status.

ROBUST SUPPORT FOR IMMIGRANT INTEGRATION

Any immigration reform legislation should require an individual to be subject to all of the responsibilities and afforded all of the rights that citizenship entails to ensure that aspiring citizens have the same opportunities to be healthy and nourished and the same access to the public benefit programs that our taxes support. To ensure successful implementation of health care reform, reduce our overall health care costs, and improve health outcomes, everyone should have access to affordable health care coverage under health care reform. Everyone living in the United States should have the opportunity to be healthy and not hungry, so that they have a fair chance to fulfill their dreams - this includes the 1.3 million undocumented Asian Americans and Pacific Islanders who call the United States home.

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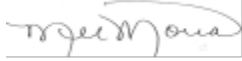
¹¹ U.S. Census Bureau, Facts for Features: Asian/Pacific American Heritage Month (May 2011), available at http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb11-ff06.html.

¹² www.aclu.org/intlhumanrights/immigrantsrights/36237lg120080429.html.

¹³ http://www.splcenter.org/sites/default/files/downloads/case/Filipino_teachers_complaint.pdf

AAJC and the other affiliate members of the Asian American Center for Advancing Justice look forward to working with this Committee and the entire Congress to achieve the goal of fair and just immigration reform.

Sincerely,

A handwritten signature in black ink, appearing to read "Mee Moua", is positioned above a thin horizontal line.

Mee Moua
President & Executive Director
Asian American Justice Center

On behalf of:
Asian Pacific American Legal Center
Asian Law Caucus
Asian American Institute



**TESTIMONY BEFORE THE UNITED STATES SENATE COMMITTEE ON THE
JUDICIARY**

FOR THE HEARING ENTITLED “COMPREHENSIVE IMMIGRATION REFORM”

February 13, 2013

BY THE

ASIAN & PACIFIC ISLANDER AMERICAN HEALTH FORUM

The Asian & Pacific Islander American Health Forum (APIAHF) submits this written testimony for the record for the February 13, 2013 hearing before the Senate Committee on the Judiciary entitled “Comprehensive Immigration Reform.” APIAHF is a national health justice organization that influences policy, mobilizes communities, and strengthens programs and organizations to improve the health of Asian Americans, Native Hawaiians, and Pacific Islanders (AAs and NHPs). For 27 years, APIAHF has dedicated itself to improving the health and well-being of AA and NHPI communities living in the United States and its jurisdictions. We work on the federal, state, and local levels to advance sensible policies that decrease health disparities and promote health equity.

Immigration policy is an issue that touches the lives of almost every Asian American and Pacific Islander. Asian Americans are the nation’s fastest growing racial group with a population growth rate of 46% between 2000 and 2010, and account for 40% of recent immigrants to the United States. As of 2011, there are over 17.6 million Asian Americans living in the United States, and over 1.2 million Native Hawaiians and Pacific Islanders.

Asian Americans, Pacific Islanders and other immigrants are the cornerstone of America. They create jobs, employ millions and pay into the tax system. Yet, they must navigate a complex system of policies that the majority of Americans consider broken. America’s immigration system separates families, creates barriers to good health and prevents immigrants from fully integrating in and contributing to their communities. Commonsense immigration policies are needed.

Any fix to America’s immigration policies must work for all Americans, align with our values of shared responsibility and fairness and promote unity among immigrants and citizens alike.

Federal policies must support immigrants to take responsibility for their health by providing them the same opportunities at attaining good health as their citizen counterparts.

I. Access to Health Care is a Moral and Economic Imperative

Every American must have the opportunity to grow up healthy, see the doctor when they are sick, and have the chance at reaching their optimal health and well-being. Being healthy is a basic need and right. Individuals with health coverage, including Medicaid, report better physical and mental health.¹ They are more likely to have routine access to medical care, less likely to rely on expensive emergency room visits and have better access to essential preventive services, reducing the incidence of chronic diseases that take a major toll on the U.S. health system. In contrast, research shows that the uninsured have significantly worse health outcomes across a number of chronic diseases including cancer and diabetes.²

While the Affordable Care Act (ACA) provides new, affordable insurance options for many of the currently 50 million uninsured individuals in the U.S., America will continue to have a population of uninsured workers, children and families even after full implementation of the new law. High rates of uninsurance take a toll not only on the individual, but on communities and state economies and put America's security at risk. Expanding access to affordable health insurance would help to relieve overburdened safety net hospitals and clinics and reduce uncompensated care costs, which often falls to states and the federal government to pick up the tab.

II. Current Federal Policies Exclude Immigrants from Health Care, Further Disparities and Negatively Impact the Nation's Health

The Affordable Care Act is the most sweeping piece of health care reform legislation in the last 50 years and will drastically reduce the number of uninsured, improve access to preventive care and put the nation on a more sustainable path to health. Yet, the law maintains existing exclusions and bars many immigrants from new coverage options. Undocumented immigrants are also prohibited from purchasing health insurance coverage in the newly created insurance marketplaces, even at full price and with their own funds.

In addition, the Department of Health and Human Services (HHS) recently created new exclusions on a population of lawfully present immigrants, a move that undermines the goals and values of the ACA. An Interim Final Rule issued last August excludes youth and young adults

¹ "What is the link between having health insurance and enjoying better health and finance?" Robert Wood Johnson Foundation, January 2012, *available at*

http://www.rwjf.org/content/dam/farm/reports/issue_briefs/2012/rwjf72145.

² <http://www.iom.edu/~media/Files/Report%20Files/2009/Americas-Uninsured-Crisis-Consequences-for-Health-and-Health-Care/Americas%20Uninsured%20Crisis%202009%20Report%20Brief.pdf>

granted deferred status under the Deferred Action for Childhood Arrivals (DACA) program from key features of the health reform law and prevents children and pregnant women approved for DACA from enrolling in health insurance under the state option available in Medicaid and the Children's Health Insurance Program (CHIP). These are young immigrants, commonly known as DREAMers, who are finishing their education or serving in the military and trying to better their lives and communities, and yet are barred from the new affordable health insurance options their citizen counterparts have access to.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, also known as the "welfare reform" law), created arbitrary time limits and other restrictions for lawfully present immigrants to become eligible for federal means-tested public programs. As a result, these aspiring citizens are barred from critical safety net programs for five years and longer, a barrier their native-born counterparts do not have to face.

PRWORA also bars citizens from the freely associated states of Micronesia, Republic of the Marshall Islands and Republic of Palau from the Medicaid program. These individuals, known as COFA (Compact of Free Association) migrants, are persons who are free to enter and work in the U.S. without restriction under long-standing agreements between the U.S. and Pacific jurisdictions. COFA migrants suffer from a number of serious health disparities caused by America's militarization of the Pacific islands, nuclear test bombing and lack of economic supports, including high rates of cervical cancer and other chronic diseases. The 1996 law revoked Medicaid coverage for COFA migrants, and, coupled with existing disparities and failure on the part of the U.S. to provide required supports, has created serious economic consequences for states like Hawaii and the territory of Guam, who have shouldered the burden of providing health care to this population.

These federal policies undermine America's values, further health disparities and put the entire nation's health at risk. These disparities will only worsen in 2014, when the ACA is fully implemented and the gap between the health of immigrants and those who qualify for new coverage options widens. As a result, immigration status will become one of the leading social determinants of health—affecting everything from whether or not a person can buy health insurance, whether a sick child can see the doctor, and whether a low-income worker can afford the treatment they need.

III. Commonsense Immigration Policies Must Respond to America's Needs and Promote Full Integration. Health Care Must be Part of that Equation.

America needs commonsense immigration policies that align with our values, protect all families and communities, and put the nation on a path to a better, healthier future. Health care access is critical to the safety and security of all individuals and must be part of any immigration solution. APIAHF recommends the following four reforms to ensure that immigration policies support, rather than undermine current federal initiatives and state economies and protect the health of all Americans.

a. Young Adults Granted Deferred Action Must be Allowed Access to Health Reform

Including DACA-eligible youth and young adults in health reform is sound policy and fiscally responsible. DACA-eligible youth, commonly known as DREAMers, are a sizable population, with recent estimates suggesting that as many as 1.76 million young adults could be eligible for administrative relief.³ An estimated 9% of these youth come from Asian countries, comprising over 170,000 individuals. These young adults are already part of America's fabric, having lived in the country for years, and share the same hopes and aspirations as all young Americans.

There is no principled reason to treat young people who receive deferred action through DACA differently from any other person who has received deferred action. In fact, until HHS decided to carve out DACA beneficiaries, they were covered by the ACA like all other persons who have been granted deferred action. Restoring eligibility for DACA-eligible young adults in health reform would allow these individuals to purchase coverage in the new health insurance marketplaces, pay their fair share of health care costs and see a doctor on a regular basis, instead of remaining uninsured. Including this population of overall younger and healthier individuals in the marketplace creates a more sustainable and robust risk pool and ensures that these young people are able to continue to work, pay taxes and build the nation's economy.

Shutting them out could increase costs for everyone. Excluding a large population of relatively healthy young adults from the insurance marketplaces increases the risk of adverse selection and ultimately drives up premiums for everyone. Even more worrisome is the fact that if premiums rise, citizens and lawfully present individuals alike may find it too costly to purchase coverage through the marketplace and instead choose to remain uninsured, further reducing the marketplace population and in turn driving up costs.

Finally, including DACA-eligible youth and young adults in health reform supports administrative efficiency. As states develop processes to facilitate seamless eligibility determinations and enrollment for individuals in private insurance plans, Medicaid and CHIP,

³ "Relief from Deportation: Demographic Profile of the DREAMers Eligible Under the Deferred Action Policy," Migration Policy Institute, August 2012, *available at* http://www.migrationpolicy.org/pubs/fs24_deferredaction.pdf.

they are faced with yet another complicated process. Treating DACA-eligible youth like all other immigrants granted deferred status would ease this process.

b. America Must Uphold its Commitment to the Freely Associated States and Provide Parity in Health Care

Migrants from the Compact territories should be able to access the federal health programs they pay into. COFA migrants are part of the fabric of America and share a complex relationship with the U.S. government, one in which the U.S. government has certain responsibilities. They contribute to the economy and pay taxes and therefore should be eligible for state funded programs. Lifting the current bar on eligibility will provide needed fiscal relief for states like Hawaii and the territory of Guam, which, as a result of the federal government's failure to provide economic supports for this population, have shouldered a disproportionate burden of this population's health care expenses.

c. End Arbitrary Time Limits that Put Legal Aspiring Citizens at Risk

Congress should remove the arbitrary time limits imposed on lawfully present immigrants whose taxes help support the social safety net programs they are barred from participating in. The arbitrary time limits currently in place create substantial barriers for low-income immigrants from being able to benefit from the same support systems critical to preventing needy individuals and families from slipping into poverty. As a result, eligible immigrants have lower rates of enrollment in federally supported programs than their citizen counterparts. This disparity is also true among citizen children living in immigrant households, putting these low-income children at risk of food insecurity and poor health outcomes. Congress took a significant step toward ending these time limits for lawfully present children and pregnant women residing in states that have taken up the option provided in the Children's Health Insurance Program Reauthorization Act of 2009 to waive the five-year bar. We urge Congress to act again to permanently eliminate this arbitrary restriction for all lawfully present immigrants.

d. All Immigrants Must be Allowed the Same Opportunity to Take Responsibility for their Health by Being Able to Purchase Coverage in the Insurance Marketplaces

Federal law currently excludes undocumented immigrants from purchasing health insurance in the newly created insurance marketplaces. This policy undermines our country's efforts to reduce the number of uninsured and prevents a large population of mostly healthy, working adults from being included in state insurance risk pools. It's good fiscal policy to offer health coverage to the largest number of people. Allowing everyone to pay in increases competition and spreads risks and costs across a larger population. As these immigrants continue to

contribute to the U.S. economy, support their families and work toward a path of obtaining legal status, they must be able to take responsibility for their health by having the same opportunity to purchase affordable insurance.

IV. Conclusion

Every individual, regardless of immigration status, should have a fair opportunity to attain optimal health and well-being. Any fix to the nation's immigration system must include access to health care. The alternative risks putting recent reforms and advances at risk, potentially shifts costs to states and safety net providers, and could create generations of health disparities.

For more information or questions, please contact Priscilla Huang, APIAHF Policy Director at phuang@apiahf.org or (202) 466-3550.