

**ASIAN AMERICAN
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U.S. Senate Committee on the Judiciary

**Hearing on: “How Comprehensive Immigration Reform Should Address the Needs of
Women and Families”**

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Chairman Leahy, Senator Grassley, and Members of the Committee, thank you for the opportunity to appear before the Committee today on behalf of the Asian American Justice Center (AAJC), a member of the Asian American Center for Advancing Justice. Founded in 1991, AAJC is a national organization whose mission is to advance the human and civil rights of Asian Americans, and build and promote a fair and equitable society for all. AAJC is one of the nation's leading experts on issues of importance to the Asian American and Pacific Islander community including: immigration and immigrants' rights, affirmative action, anti-Asian violence prevention/race relations, census, language access, media diversity, voting rights and civil and human rights.

Women and Children Need a Strong Family-Based Immigration System

The principle of family unity has long been a part of our immigration tradition in the United States and family-based immigration is a central pillar of current U.S. immigration law. Since our founding as a nation, each generation of immigrant families have strengthened our communities, enriched our culture, and invigorated our economy.

Unfortunately, the U.S. family immigration system is broken, outdated and failing to facilitate the full purpose of our family immigration policies. Our current system, which has not been updated in over two decades, works against families by separating mother from daughter, sister from brother and wife from husband. As of November 2012, nearly 4.3 million close family members were waiting in the family visa backlogs. Latino and Asian American families are impacted the most by these long backlogs. Of the nearly 4.3 million family members in the backlogs, more than 1.3 million are from Mexico alone. Over 1.8 million are from Asian countries. Other countries including the Dominican Republic and El Salvador also have significantly large numbers of family members waiting to join loved ones in the U.S. Some family members have been waiting years, even decades, to be reunited with their family in America.

Forcing families to live apart for years and even decades is simply un-American. Imagine living apart from your husband or wife or daughter or son for years, decades even. These lengthy separations are heart-breaking and strain familial ties. Moreover, our dysfunctional legal immigration system forces some families to choose between remaining apart for years on end and living in the shadows as undocumented immigrants just to be with their loved ones. Our current system also discriminates against LGBT families by prohibiting citizens and legal permanent residents from sponsoring their same-sex, foreign-born partners for immigration purposes. This is simply unacceptable and it does not live up to our ideals as a nation that values families and fairness.

To make matters worse, women immigrants are disproportionately harmed by our broken system. Approximately 69.7 percent of all immigrant women attain legal status through family-based visas, compared to 60.6 percent of men. Since women are more often denied access to resources and education and face social constraints in their home countries, they are both overrepresented among family-based immigrants and underrepresented among employment-

based immigrants.¹ A Department of Homeland Security examination of fiscal year 2011, for instance, showed women using 58% of all family sponsored visas.²

Due to the same issues of access to resources and education, principle employment-based visa holders are significantly more likely to be men. As dependents of the male principle visa holder, women are not legally allowed to work under our current immigration system and therefore, are completely tied to their spouse. This creates an imbalance of power, which renders women wholly dependent on their spouse and vulnerable to an abusive partner.

An immigration system that harms women inevitably hurts families and communities. Immigrant women, like all women, are the backbone of their families and communities. They keep their families together, invest in their children's education, acquire various needed roles in their communities and contribute to the U.S. economy. If America wants to uphold its value of women and the family unit, we need a stronger family-based immigration system that reflects our values as a society.

Immigrant Women Make Significant Economic Contributions

Immigrant women, like their native-born counterparts, are an integral part of our workforce and economy. They are business owners—both small and large, who create much-needed jobs for all Americans. Between 2000 and 2010, immigrant women's entrepreneurship rates had grown to over 9 percent, which exceeded rates for native-born women.³ As of 2010, "40 percent of all immigrant business owners were women [and] 20 percent of all women business owners were foreign-born."⁴

As workers, immigrant women have a wide-range of skill levels and fill in gaps across the business sectors. In 2008, nearly 60 percent of foreign-born women were in the labor force.⁵ Based on 2010 data, women who were naturalized U.S. citizens even had a slightly higher employment rate (92.4 percent) than native-born women (91.7 percent).⁶ Immigrant women make up significant numbers in the management and professional occupations, service occupations, as well as retail and office occupations.⁷ Educational attainment of immigrant women varies, but overall it is similar to native-born women. For example, in 2008, 26.4 percent of immigrant women had bachelor's degree compared to 27.1 percent of native-born women, and

¹ A Devastating Wait: Family Unity and the Immigration Backlogs, *Asian Pacific American Legal Center*, Retrieved March 14, 2013, from http://www.advancingequality.org/attachments/files/117/APALC_family_report.pdf.

² 2011 Yearbook of Immigration Statistics, *Office of Immigration Statistics, Department of Homeland Security*. Retrieved March 14, 2013, from http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois_yb_2011.pdf.

³ Pearce, Susan C., Clifford, Elizabeth J. & Tanden, Reena. Our American Immigrant Entrepreneurs: The Women, *Immigration Policy Center*. Retrieved March 17, 2013, from <http://www.immigrationpolicy.org/special-reports/our-american-immigrant-entrepreneurs-women>.

⁴ *Id.*

⁵ Immigrant Women in the United States: A Portrait of Demographic Diversity, *Immigration Policy Center*. Retrieved March 17, 2013, from <http://www.immigrationpolicy.org/just-facts/immigrant-women-united-states-portrait-demographic-diversity>.

⁶ Employment Status of the Civilian Labor Force 16 Years and Over by Sex, Nativity, and U.S. Citizenship Status, *U.S. Census Bureau*. Retrieved March 17, 2013, from <http://www.census.gov/population/foreign/data/cps2010.html>.

⁷ *Id.*

9.5 percent of immigrant women had graduate degrees versus 9.6 percent of native-born women.⁸

We also know from our real world experiences that immigrant women make up a significant number of caregiver professionals. These are the women who day in and day out care for our children, our mothers and fathers, other loved ones with special needs, and our homes. For example, 95 percent of domestic workers nationwide are women—and in some large cities more than three-fourths of domestic workers are immigrant women.⁹ A recent study found that 28 percent of personal care and home health aides “are foreign-born and of those, 60 percent are from Latin America and the Caribbean.”¹⁰ Because of limited legal immigration opportunities, many of the female immigrants who become in-home care workers came to the U.S. through the family system.¹¹

We must fix our family-based immigration system, so that we can enhance our families, provide support and relief to women and children and rebuild our economy for a more prosperous nation. Family-based immigration has significant economic benefits, especially for long-term economic growth. Family-based immigrants foster innovation and development of new businesses, particularly small and medium-sized businesses that would not otherwise exist, creating jobs for American workers. Immigrant-owned businesses have surged in the last ten years. In 2010, small businesses owned by immigrants employed approximately 4.7 million people and generated an estimated \$776 billion in revenues, according to the Fiscal Policy Institute.

Particularly, many Asian and Pacific Islanders family members come to the U.S., pool their resources together and work in their family-owned businesses. White and Asian immigrants are more likely to be small business owners. Our reforms should make it easier for families to reunite in the U.S. and contribute to our economy.

Families are critical in providing emotional, physical and mental to support to all workers. Research shows that workers who have the support and encouragement of their family members are more likely to be productive and successful as they strive to integrate into our communities. Lengthy family separations are stressful and take a personal toll on workers. It forces many immigrant workers who are separated from their families to send money overseas rather than being able to invest all of it in their local communities. A robust family-immigration is in the interest of all Americans.

Women Strengthen Families and Enable Successful Integration

Immigrant women are essential for the successful integration of their families. They provide stability for the family and help the family put down permanent roots for their families. They

⁸ Immigrant Women in the United States: A Portrait of Demographic Diversity, *Immigration Policy Center*.

⁹ Women’s Refugee Commission, “Women and Immigration Reform: Key Facts and Figures.”

¹⁰ Henrici, Jane (2013). *Improving Career Opportunities for Immigrant Women In-Home Care Workers*, Institute for Women’s Policy Research (p. 5).

¹¹ Hess, Cynthia and Henrici, Jane. (2013). *Increasing Pathways to Legal Status for Immigrant In-Home Care Workers*, Institute for Women’s Policy Research (p. 9).

invest in their children's education and send them to college. These women are instrumental in enabling the family to pool resources together to open a small business or buy a home. Critically, immigrant women are also more likely to initiate the citizenship process for their families. Immigrant women have higher propensity to naturalize. In 2008, nearly half (46.4 percent) of female immigrants were naturalized U.S. citizens compared to 39.7 percent of male immigrants.¹²

For these reasons, our immigration laws must promote immigrant integration that includes and empowers women. Among other provisions, naturalization should be financially accessible. The price of naturalization has risen very high and often the fee is a substantial hurdle to attain American citizenship. Congress should also create opportunities for immigrants to receive English Literacy, Civic Education and Continuing Education. Immigrants are well aware that English is a key to job security and advancement and integration into American society. However, the road to English language acquisition is long and difficult—something many in our monolingual society do not always recognize. Even with that, the demand for adult English language learning programs far exceeds the supply. There are currently long waits for existing adult English language learning programs.

With Congress's strong support of immigrant integration, we can ensure that the economic and social contributions of America's immigrants strengthen our nation to the fullest.

We Need Commonsense Solutions To Help Immigrant Women and Families

Our American values demand a strong family-based system, and the immigrant community voted for immigration reform in 2012. Latinos, Asian Americans and Pacific Islanders overwhelmingly supported a vision of inclusion and fairness, while rejecting xenophobic policies that pit communities against one another—high-income workers v. low-income workers and immigrant v. nonimmigrant communities.

Numerous surveys, conducted by nonpartisan organizations have shown that the American people support commonsense immigration reform. For example, in a survey conducted by AAJC, Asian Pacific Islander American Vote and the National Asian American Survey, 54 percent of Asian Americans polled indicated that visa backlogs are a significant problem for their families.

Congress must tackle these backlogs by crafting a family-based system that adequately addresses the wait times and can adapt to our ever-changing immigrant populations. Because women are overrepresented in our family-based system, addressing the family backlogs will ultimately help women. One potential solution is to reclassify spouses and minor children of legal permanent residents as "immediate relatives." We would also urge Congress to include the provisions in the Reuniting Families Act that has been introduced on the House side by Rep. Honda and has been supported by Senate leaders in the past.

Lastly, while Congress has the opportunity to develop a system that will work for families, we urge Congress to preserve the family categories for brothers and sisters and the married sons and

¹² *Immigrant Women in the United States: A Portrait of Demographic Diversity*, Immigration Policy Center.

daughters of U.S. citizens. Family is family. Arbitrarily drawing the line in the sand will only continue to kick the can down the road. Congress must construct a system that is flexible, easily accessible and encourages legal immigration. Policymakers will focus on what some call “future flow.” We urge you and your colleagues to realize that eliminating categories, placing superficial caps and ignoring the human face on these backlogs will only make future flow an ongoing issue. It will force families back into the shadows and subject them to ongoing hardships. In 1996, we created this broken and unyielding system, and now it’s time we fix it.

Whether it was through the Mayflower, Ellis Island, Angel Island or now all our ports of entry, most immigrants came to the U.S. with nothing but hope and their families. Regardless of the hardships they encountered or endured, hope and family permitted each successive generation of immigrants to muster the courage to survive, persevere and make a deeply rooted life in this country. We may all come from different national origins, eat different foods, practice different religions and even speak different languages, but the immigrant heart is what binds us as one people—united in hope and opportunity for a more prosperous future of our families. That is why we love this land. That is why we must work together to fix our broken immigration system.

Thank you and I look forward to answering your questions.