

**Senate Judiciary Hearing
Women and Immigration Reform
Testimony of Ai-jen Poo
Director, National Domestic Workers Alliance
March 18, 2013**

My name is Ai-jen Poo and I am the director of the National Domestic Workers Alliance. I lead an organization whose members are domestic care workers — a growing workforce of mainly immigrant women who take care of our children, our aging loved ones and our homes. Domestic care workers are aspiring Americans who work hard every day so America’s families and economy can work too. Many of you listening to my testimony today benefit from the help of domestic workers. In our modern, demanding economy, domestic workers do the work that makes all other work possible. It’s time we make our immigration policy work for domestic workers.

Today, I bring the spirit, passion and hopes of women domestic workers here with me. Women like Pat Francois, a nanny in New York City who has given many years of her life to raising and nurturing other people's children. Pat takes great pride in her role: arranging play dates, taking the children to the ballet and children’s museum, reading stories, playing in the park and most importantly, keep them safe. Millions of working moms and dads count on women like Pat in order to participate fully in today’s workplace. But Pat is undocumented and cannot participate fully in our country that she now calls home.

Pat, like most domestic workers, does not have pay stubs and tax forms to prove she worked for her employer. Her world, like much of the informal economy, is a paperless world.

In a survey of over 4000 low-wage workers in three largest cities in the US – New York, Chicago and Los Angeles—workers in occupations with high percentages of women did not receive pay stubs with their pay. Now, the fact is that New York, Illinois and California do require employers to provide a pay stub or a wage statement with pay. **But** 98% of surveyed undocumented nannies, 92 % of maids and housecleaners, 77 % of garment workers did not receive any pay stubs.¹ That’s just the reality immigration reform must take into account.

In isolated and informal workplaces it is unrealistic to expect workers to ask their employers for documentation, especially immigrant workers with such little control over the terms and conditions of their work in the first place. And often, employers who are

¹ National Employment Law Project, *Immigration Status and Pay Documentation*, 2008, See http://nelp.3cdn.net/56610295228b59f19a_1km6ibvof.pdf.

asked for documentation simply fire their workers fearing their own liability. Linking eligibility to proof of employment at any stage on the road to citizenship could exclude Pat and hundreds of thousands like her. And it would also exclude an estimated 40% of undocumented women who work as stay at home moms, spending their days and nights caring for their own families.

I know a lot of you have children. Getting them to eat their vegetables and get to school on time and nursing them when they're sick and tucking them in at night — that's work. Trying to get a four-year-old to do anything is harder than getting a compromise between Democrats and Republicans. And I know many of you have aging parents or are looking to your own twilight years, when you might need more support. Maybe your kids will take care of you, but if they can't or don't want to, you'll rely on domestic workers too.

Any common-sense immigration reform legislation must include a roadmap to citizenship that acknowledges the contributions of the millions of mothers and women like Pat who are valued contributors to our communities. This road cannot put undue obstacles, roadblocks, dangers and detours in the way, such as requiring proof of employment in order to qualify. If immigration reform doesn't help Pat and domestic workers and undocumented moms throughout our country, then we can't really call it reform.

This week, hundreds of women—immigrant and non-immigrant and from all over the country—are here in Washington DC with the We Belong Together campaign because they want to make sure that women's priorities and issues are at the forefront of the immigration debate. So, we thank you for holding this hearing. Women are here because we understand that we must raise our voices and votes for immigration reform, an issue that is central to women's equality and opportunity. Some of my colleagues will talk about other priorities for women, including ensuring that family sponsorship backlogs are cleared and that women have access to essential health care and are protected from traffickers.

I am focusing on three pieces. One I have mentioned is an inclusive path to citizenship with no proof of employment requirement.

The second has to do with protections for women from violence and abuses of civil and labor violations on the job. Back to Pat... She loves the work she does and the children she cares for but she—like so many domestic workers and other women workers—has endured both verbal and physical abuse. One employer was verbally abusive to her for several years; she was afraid to challenge him because he often reminded her that he knew she was undocumented and could call immigration and have her deported at any moment. One day, in a fit of rage, he physically assaulted her, finally causing her to leave the job out of fear for her physical safety. Like survivors of domestic violence, domestic workers are hidden in private homes, behind the closed doors, and can suffer

extreme forms of abuse as a result. And by allowing the threat of deportation to be wielded by unscrupulous employers like a weapon, our current flawed immigration policies enable this abuse.

Unsurprisingly, undocumented workers experience almost double the rates of wage and hour violations than documented and US-born workers.² For example, 37% of undocumented workers experienced minimum wage violations, while 21% of documented workers and 15% of US born workers experienced minimum wage violations. Undocumented women experienced even higher rates of wage and hour violations (47%) than undocumented men (29.5%).³ Finally, immigrant women are more likely to work in industries and occupations with significantly higher injury rates than U.S.-born women.⁴

Immigration reform should include language such as that which is in the POWER Act, to protect women from dangerous working conditions and serious labor and civil rights violations on the job, including sexual harassment, severe forms of exploitation, and labor trafficking. Common sense reform should ensure that workers suffering serious violations who are cooperating with federal, state, or local law enforcement would be eligible for U-visas.

Common sense immigration reform should also facilitate immigrant integration, including ensuring that fees are reasonable and payable over time. High application fees will limit the number of applications a family can afford, resulting in applications only being filed by male heads-of-households. Fee structures should incentivize families to apply for all eligible members of the family, and must be on a sliding scale in order to support the economic self-sufficiency of women, particularly low-wage women workers.

Immigrant women workers will only play a *greater* role in America's economy going forward. 2011 marked the first year of the "age wave," when the baby boom generation has begun to turn sixty-five at a rate of a person every 8 seconds. In less than 20 years – 75 million Americans will have reached retirement age. The aging of America means the overall demand for direct-care workers, who are predominantly women, is projected to increase by 48 percent over the next decade. But the population of US-

² National Employment Law Project, *Workplace Violations, Immigration Status, and Gender*, August 2011, http://www.nelp.org/page/-/Justice/2011/Fact_Sheet_Workplace_Violations_Immigration_Gender.pdf?nocdn=1.

³ National Employment Law Project, *Workplace Violations, Immigration Status, and Gender*, August 2011, http://www.nelp.org/page/-/Justice/2011/Fact_Sheet_Workplace_Violations_Immigration_Gender.pdf?nocdn=1.

⁴ Orrenius, P. & Zavodny, M. 2009, Do Immigrants Work in Riskier Jobs? *Demography*, 46(3), 535-551. Retrieved from: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2831347/>.

born workers is only growing by about 1%.⁵

Demand for these services is growing much faster than the labor pool. Immigrant women will be needed to fill the labor shortage⁶; we must increase the legal pathways for workers who will come in the future to come safely, with full worker protections, and the opportunity to bring their families with them from the outset. Today, only 27% of all employment visas are given to women as principle holders, even though many industries that project severe labor shortages are dominated by women workers. Three-quarters of dependent visa holders in the employment category are women but these women—even though they have the same level of education as native-born women—do not have the opportunity to work and contribute their skills to our country. This is a waste of their talents and leads to unhealthy dependency on husbands who can and do take advantage with emotional and physical violence.

My own mother came to this country from Taiwan on a STEM-like program to receive her PhD in chemistry. She was able to apply for legal permanent residency, and help build a life for us. Today, as a medical oncologist at MD Anderson in Texas, she conducts cutting edge clinical trials to develop a cure for melanoma. But just as my mother loves and cares for me *and* supports America's economy, so does Pat Francois. Undocumented immigrant care workers like Pat create positive ripple effects across our economy and yet remain almost invisible in our policies.

Immigration reform offers us a unique opportunity to help millions of women and families in America who benefit, every single day, from the work of undocumented immigrant women.

On behalf of the millions of undocumented immigrant women and the millions of US citizen women who depend on, are connected to and care about them, I urge you to act swiftly to enact immigration reform, with full inclusion and protections for women and families who are here and those who will come in the future. Immigrant women are deeply embedded in the fabric of our nation, contributing to our culture and our communities, strengthening our families, and growing our economy. Common sense immigration reform must put the priorities of women at the forefront. Immigration reform IS a women's issue, central to equality and opportunity for all American women, and central to the well-being of the nation as a whole. Thank you.

⁵ PHI, Fact Sheet: Occupational Projections for Direct Care Workers 2010-2020, February 2013, Retrieved from:

http://phinational.org/sites/phinational.org/files/phi_factsheet1update_singles_2.pdf.

⁶ Institute for Women's Policy Research, *Increasing Pathways to Legal Status for Immigrant In-Home Care Workers*, 2013, <http://www.iwpr.org/publications/pubs/increasing-pathways-to-legal-status-for-immigrant-in-home-care-workers/>.