

A CALL TO ACTION

ASIAN AMERICANS AND IMMIGRATION REFORM



ASIAN
AMERICAN
JUSTICE
CENTER

ASIAN AMERICANS AND COMPREHENSIVE IMMIGRATION REFORM

Immigration weaves and strengthens the fabric of America and has defined the character and success of our nation. Today nearly 40 percent of all U.S. immigrants come from Asia, and more than 60 percent of Asian Americans are foreign-born. According to the U.S. Census Bureau, there are approximately 15 million Asian Americans living in the United States, of whom 1.2 million are undocumented.

It is time to acknowledge the crucial stake the Asian American community has in reforming the nation's broken immigration system. Comprehensive immigration reform is needed to:

- ★ **Bring families together:** Reduce the backlogs for family-based immigration visas in order to reunite families who are currently separated by waiting lists for years or even decades.
- ★ **Ensure due process and respect for human rights:** Enforce respect for constitutional due process and demand fair treatment of individuals in detention and immigration proceedings. Require that the law be carried out in a humane and nondiscriminatory manner.
- ★ **Provide a clear path to citizenship for the undocumented:** Enable undocumented immigrants to safely emerge from the shadows and contribute more fully to our economy and communities.
- ★ **Improve the naturalization process:** Decrease barriers to naturalization to ensure that citizenship is an attainable goal for immigrants who seek full inclusion in America's democracy.



Asian Americans are deeply affected by painfully long lines to sponsor their closest loved ones who are abroad. Family members of U.S. citizens and green card holders may wait more than two decades, while highly educated and skilled immigrants from Asia may wait up to six years. Solutions will require legislation that efficiently uses the visa allocation system, promotes the timely reunification of family members, respects the principle of first-in-line, and reduces barriers for particular categories of individuals.

★ BRINGING FAMILIES TOGETHER ★

When Adam Khan and his family decided to move to the United States from Pakistan, Adam's brother, a U.S. citizen, filed for their immigrant visas. Ten long years later, Khan and his wife received their visas. They looked forward to rejoining their eldest two daughters, who had both married U.S. citizens. However, their youngest daughter was ineligible for her visa because she had turned 21 just a few months earlier. She spent the next 18 years apart from her family until she was finally able to receive a green card and come to America. (*Pseudonym. Source: Asian Pacific American Legal Center)*

The Constitution guarantees certain rights for all individuals within the United States. However, immigrants who are detained in U.S. custody often lack access to attorneys, basic health care and adequate language services. Programs to provide alternatives to detention should be provided to populations that are especially vulnerable to mistreatment. Furthermore, our immigration courts require qualified, fair and impartial judges.

★ DUE PROCESS AND DETENTION RIGHTS ★

Young Sook Kim, an elderly Korean cook, was caught in a worksite raid and detained for a month at a county prison in New Mexico. With each day, Kim's health worsened. Fellow detainees repeatedly pleaded with authorities to examine her. The authorities were not responsive to the requests, and they did not send Kim to a hospital until after her eyes had completely yellowed and she had stopped eating. By the time Kim received basic medical care, it was too late. She died of pancreatic cancer while in U.S. custody on September 11, 2006, the day after she was taken to a hospital. Until other detainees reported it, there was no record of the death for two years. (Source: National Korean American Service and Education Consortium)



The U.S. government takes several measures to prevent undocumented individuals from working in our country. In addition, the government has joined with local officials to arrest and indefinitely detain individuals without proper work documentation. Since 9/11, federal and local law enforcement have also stopped people on the streets, in cars and in airports based solely on their ethnic or religious appearance. Our laws must be enforced in a humane, respectful and nondiscriminatory way.

★ FAIR LAW ENFORCEMENT PRACTICES ★

Anila Ali, a middle school teacher from outside Los Angeles, is a naturalized U.S. citizen originally from Pakistan. In recent years, Ali has been pulled for questioning and searches five times when returning to the United States from travel abroad—all on account of her name and country of origin. In the most recent incident, when Ali protested to the Customs and Border Protection agent that she was a U.S. citizen, the agent responded that her citizenship did not matter: “It’s where you were born.” (Source: Asian Law Caucus)

More than 1.2 million Asian Americans are undocumented—they do not have a work permit, green card or citizenship. Many individuals cannot afford attorneys to help them with their cases. Others are children who have followed their parents to America and are striving to be productive citizens. New legislation must recognize the contributions of undocumented workers and their families and practically and realistically allow for as many as possible to apply for legal immigration status.

★ UNDOCUMENTED INDIVIDUALS ★

Robert and Alice Liang came to the United States as visitors. While overstaying their visas, they became hard-working, tax-paying owners of a small business. Robert, born in Laos, said, “If you work hard and treat everyone respectfully, people [here] don’t look at where you’re from, they just look at who you are and what you do.” The couple and their attorney requested an immigration hearing but received no response. Then their petition for asylum failed. With a 12-year wait time for family sponsorship, the couple now awaits deportation to Taiwan, a country they left decades ago and that their U.S. citizen children have never seen. They continue to run their restaurant and lead charitable efforts in the community. Alice said, “When we hear about people having trouble, we feel like we just have to help.” (Source: Asian Law Caucus)



Many Asian Americans have encountered barriers to attaining citizenship: increased fees, a new and more challenging test, difficulty getting a waiver for portions of the exam and long waiting times due to background checks and government bureaucracy. The government should devote adequate resources to processing naturalization applications and use increased fees to promote community programs to help individuals learn English and civics. Laws linking citizenship to public benefits should be rescinded because they penalize poor and elderly immigrants.

★ NATURALIZATION ★

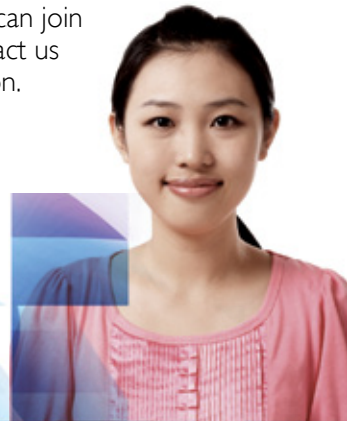
After being held in a Vietnamese communist labor camp that left him emotionally and mentally broken, Thai Ban immigrated to the United States in the 1990s. Wanting to put his past behind him, Ban was finally able to apply for citizenship in 2004. By then he had lost his social security income due to harsh changes in the law and continued to experience post-traumatic symptoms from nearly a decade in the communist labor camp. Ban's naturalization process was stretched an extra two years due to bureaucratic measures. Ban finally took his oath of naturalization in 2007. "It was a long wait, but my family and I are happy that it is over and I am now a part of this country," he said. (*Pseudonym. Source: Boat People SOS)*

YOU CAN HELP

The Asian American Justice Center is a national leader in educating the public and policymakers on the urgent need for change in our nation's badly broken immigration system. To succeed, we need your help:

- ★ Call or visit your members of Congress to urge them to support comprehensive immigration reform
- ★ Write letters to your local or community newspapers
- ★ Share your immigration stories with us to help us ensure that our community's voice is heard

Every effort is important. For more information on how you can join us in advocating for comprehensive immigration reform, contact us or visit our Web site at www.advancingequality.org/immigration.





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