

A Call to Action: Asian Americans Impacting Immigration Reform

~ Community Toolkit ~



ASIAN PACIFIC
AMERICAN
LEGAL CENTER
OF
SOUTHERN CALIFORNIA



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JUSTICE
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ASIAN LAW CAUCUS
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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 for fixing our broken immigration system in order to pressure the Congress and the President to pass comprehensive immigration reform!

For those who have chosen to join our “Advocates for Change” Network, we have produced this toolkit to guide and help you in your advocacy efforts, and we’ll be checking in with you 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. If you did not check the box to join the “Advocates for Change” Network but would still like to take action, we encourage you to get involved! Please contact us and let us know how you plan to take action!

The Asian American Justice Center – along with our affiliates at the Asian American Institute in Chicago, the Asian Pacific American Legal Center in Los Angeles, and the Asian Law Caucus in San Francisco – 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 community, please take a look at our publications on immigration, which you can find online at <http://www.advancingequality.org/immigrationpubs/>.

For further information, please feel free to contact Pang Houa Moua at pmoua@advancingequality.org or Meredith Higashi at mhigashi@advancingequality.org.

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

Sincerely,



Pang Houa Moua
Director of Community Education and Outreach
Asian American Justice Center



Meredith Higashi
Staff Attorney, Immigration and Immigrant Rights Program
Asian American Justice Center

TIERS OF INVOLVEMENT: HOW YOU CAN IMPACT IMMIGRATION REFORM!

Tier 1: Follow the Campaign

- Text “Justice” to 69866 for updates on immigration reform
- Join our e-mail list to receive regular updates – *You will be added to our listserv by signing our petition (see Tier 2) or e-mailing pmoua@advancingequality.org
- Join us on Facebook:
 - <http://tinyurl.com/ACallToAction>
- Support the Reform Immigration for America Campaign:
 - <http://www.reformimmigrationforamerica.org/blog/about/>

Tier 2: Become a Supporter

- Sign our petition, available at <http://www.advancingequality.org/FamilyPetition/>
- Commit to calling your legislators to let them know your community needs just and humane immigration reform
- Share your story as part of AAJC’s Family Immigration Stories Campaign!
- Send a letter to your Member of Congress to encourage them to support comprehensive immigration reform

Tier 3: Be an Advocate for Change

- Submit an op-ed to your local newspaper
- Participate in the national Asian American Week of Action (August 17-23): Set up a visit with your local legislator
- Participate in coalition-building by contacting your regional Reform Immigration for American Campaign representative and get involved in local multi-ethnic events and strategies to call for immigration reform

TIER 1 IN DEPTH: FOLLOW THE CAMPAIGN

Text Justice to 69866

By texting “Justice” to 69866, you can join the Fair Immigration Reform Movement’s Cell Phone Action Network. You can also text “Justicia” to 69866 for updates in Spanish. By joining the network, you’ll receive urgent action alerts via text message. This network will help generate hundreds of thousands of calls to President Obama and Members of Congress to show vast support for comprehensive immigration reform. With this service, you’ll receive only the most pertinent information and no more than 4 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 page, available online at <http://tinyurl.com/ACallToAction>. On this page, you’ll be able to receive updates about comprehensive immigration reform and events from the Reform Immigration for America Campaign. From this page, you can also link to our petition supporting the Reuniting Families Act and comprehensive immigration reform and access several detailed publications on immigration reform.

Support the Reform Immigration for America Campaign

The Reform Immigration for America 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://www.immigrationforum.org/images/uploads/Campaign/CAbbott/PrinciplesCampaignLaunchFinal.pdf>.

TIER 2 IN DEPTH: BECOME A SUPPORTER

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:

- A telephone or cell phone;
- 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!

Share your story as part of AAJC's Family Immigration Stories Campaign:

The Asian American Justice Center is gathering family immigration stories to prepare for the ongoing debate this nation is having on immigration and immigrant rights. From the halls of Congress to the dining room tables of average citizens, immigration reform is on the minds of all Americans. Despite this collective recognition that our immigration system is broken, too little attention has been paid to protect and improve the cornerstone of American immigration policy – family reunification. In fact, there are politicians who wish to dismantle the family immigration system and deny families from being together.

Family immigration policy disproportionately affects Asian Americans. In 2008, for example, nearly 40 percent of family preference visas were issued to immigrants from Asian countries. Your stories will help show members of Congress the importance of the family immigration system to Asian Americans and the communities in which we live and work. Please take a few moments of your time to submit your story at:

<http://tinyurl.com/StorySurvey>

You can also support our Family Immigration Stories campaign by joining our Facebook page at <http://tinyurl.com/FamilyStories>.

Send a letter to your Member 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.

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. Feel free to use the following sample letter to write your representative, or update it with information specific to your district.

<<DATE>>

The Honorable (Name of your Member of Congress)
Address
Washington, DC

Dear Representative/Senator (Last Name):

I 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.

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, outdated immigration systems, and ineffective enforcement strategies. 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 requiring undocumented immigrants in this country to 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 American people expect 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.

Respectfully,
<<NAME>>

TIER 3 IN DEPTH: BE AN ADVOCATE FOR CHANGE

Send an op-ed to your local newspaper or ethnic media outlet:

A few news articles and editorials 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

It's starting again. For the past few months, people all throughout the nation have been mobilizing to advocate for comprehensive immigration reform. In June, the national campaign "Reform Immigration for America" will launch, and a clarion call will be sent to members in Congress asking them to reform our broken immigration system.

It's been quiet since 2006, when the effort to achieve comprehensive immigration reform failed. Politically divisive, controversial, and sensitive – immigration was a hard issue to advocate for. Many Americans formed a negative image of immigrants – scapegoating us as people who refuse to learn English, who take jobs away from U.S. citizens, and who are in the U.S. illegally.

But we know the truth. Our people are kind, hardworking, and smart, and we have contributed much to American society. We pay taxes, we create jobs, we volunteer in our communities. Thus we need to make our voices heard this year.

America is a diverse nation of immigrants. And yet whenever I turn on the television and watch a news story on immigration, all I see are images of Mexicans trying to climb over the border. But I am an immigrant too. Where are the faces of people that I see everyday at my local supermarket, my church, my neighborhood, my family barbeque?

Everyday, in my community, I hear of someone whose life has been negatively affected by the immigration system. A brother is deported, a father's work visa expired, an aunt is still waiting to reunite with family members after 20 years, a student cannot afford to go to college because she is undocumented.

People's lives are being profoundly affected all around us, and yet we stay silent. Some talk about their fears of retribution from the government – but why not funnel that fear into something that will change the way our government works? Let us raise up our voices, and work together to change a system that for too long has cast members of our community into the shadows. [If you wish, you could insert information specific to your local community here.]

And the time to call for reform is now. Recently, a poll came out stating that six in ten people overall (61 percent) would support an immigration plan that would allow legalization of undocumented immigrants. In April, the Obama Administration stated that immigration will be priority for the President this year. As a community, we need to make sure that we are at the table when the people discuss policy reforms that will forever affect our community.

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 our lives will become better. It will make everyone's life better. A study was recently released stating that comprehensive immigration reform would help boost income for all workers, improve working conditions, and is vital to restoring our economy. Let us fight alongside our fellow Americans, because we are Americans too.

I support comprehensive immigration reform, and if you do, let Congress know it. To get more involved, sign on to the national campaign at www.reformimmigrationforamerica.org.

Visit your local legislator during the Asian American Week of Action:

We are encouraging advocates to meet with their Members of Congress during the Asian American Week of Action, which will occur during the August congressional recess (August 17-23). The August recess presents you with an opportunity to meet with your Representative and Senators while they are in-district, and ask that they work for the passage of comprehensive immigration reform in 2009. 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 2009. 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.

Your visits will take place in the midst of a nationwide effort, in which, across the country, many Asian Americans will meet with their legislators to advocate on behalf of comprehensive immigration reform.

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.

To set up your own meeting during the August Congressional recess, follow these easy steps:

BEFORE THE MEETING

Find out who represents you in Congress. Go to www.senate.gov and www.house.gov to find out who your Senators and Representatives are.

Do a Background Check. 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.

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 during the August recess (August 17-23). 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.

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 that is directly affected by our unjust immigration laws? Be sure to assign roles to participants, including the leader/facilitator.

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.

DURING THE MEETING

Credential and introduce yourselves. In 5 minutes or less, explain what groups are represented, their membership, and other information that the Member or staffer should know about those who attend the meeting. Share your stories: what connects you to this issue, why is it important for your family or community?

Get the card and contact information for any staffers you meet with.

Listen well. Make sure you do not do all of the talking. Much of lobbying is listening, looking for indications of the legislator's views, and finding opportunities to provide good information. Give your legislator opportunities to ask questions or state his or her opinion. Members and staff will appreciate the chance to be heard. Also, ask questions.

Follow the general talking points included in this toolkit.

Take notes.

If the Member asks a question, answer honestly. If you don't know the answer, say that you don't know but you will find out, and then be sure to follow up.

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 to let us know how your meeting went.

*This section reprinted courtesy of the National Immigration Forum. The original toolkit is available online at <http://www.immigrationforum.org/images/uploads/ToolkitforAprilVisits.pdf>.

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 Reform Immigration for America Campaign is currently in the planning stages for the events it will hold this fall. If you're interested in getting involved in the campaign by attending events or hosting an event of your own, please contact Meredith Higashi at mhigashi@advancingequality.org.

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).

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.

BACKGROUND: ASIAN AMERICANS AND IMMIGRATION REFORM

Overview

Asian immigration to the United States dates back to the 17th century; however, U.S. immigration laws systematically prevented Asians from immigrating in significant numbers until 1965. According to the 2006 American Community Survey by the U.S. Census Bureau, there are more than 14.6 million Asian Americans living in the United States, and 61 percent (more than 8.9 million) of them are immigrants. Of the foreign-born Asian Americans, about 55 percent (more than 4.9 million) immigrated to the United States within the last 16 years.

The breakdown of native-born and foreign-born U.S. citizens and noncitizens in the Asian American community is as follows:

- 39 percent are native-born U.S. citizens.
- 34 percent are naturalized U.S. citizens.
- 27 percent are not U.S. citizens.

Impact of the broken immigration system on the Asian American community

The majority of Asians immigrating to the United States do so through the family-based immigration system. In 2008 and 2009, 90 percent of immigrants from Asia came to the United States through family immigration.

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, meaning that family members must often wait years or even decades to reunite. Asian countries suffer from some of the worst family immigration visa backlogs in the world. More than 1.5 million qualifying family members of Asian Americans are estimated to be in these backlogs. In total, between 4 and 5 million people around the world are waiting in these backlogs.

In the employment-based immigration system, highly educated and skilled immigrants from China, India and the Philippines currently face possible waits of up to six years before they can become lawful permanent residents, or green card holders.

Finally, unless you have a qualifying U.S. citizen or green card holder family member who can petition for you, or have highly specialized skills and/or post-secondary education, it is virtually impossible to legally immigrate to the United States. As a result, the population of undocumented immigrants from Asia continues to rise.

As of 2008, the Department of Homeland Security's Office of Immigration Statistics estimates that 1.2 million undocumented immigrants in the United States originated from Asia. To put this number in context, there were 15.2 million Asian Americans living in the United States in July 2007. This

would mean that nearly one in 10 Asian Americans do not have access to legal immigration status and all the protections and rights that entails.

Undocumented immigrants from Asia work in a wide range of essential industries, such as health care, domestic and childcare, restaurant and hospitality. But because they lack legal immigration status, these undocumented immigrants are vulnerable to exploitation by criminals or abuse by unscrupulous employers. Under the current immigration system, no matter how long such immigrants live and work in the United States or how much they contribute to our economy and community, they will never be able to become fully integrated members of our country.

Solution

In order to solve these problems, Asian Americans 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;
- Create legal ways for people who want to contribute to our economy to come work in the United States, coupled with innovative wage and labor protections for U.S. and immigrant workers; and
- Increase the availability of resources to help immigrants learn English and prepare for citizenship.

Additional Resources

More information on these and other immigration issues can be found on the AAJC Web site at www.advancingequality.org.

TALKING POINTS ON COMPREHENSIVE IMMIGRATION REFORM

For America's Families:

- *The family is the basic unit of our society*, and immigrants who have the support of strong families are more likely to contribute to society, pay taxes, and start businesses that create jobs. But our broken immigration system divides families and keeps loved ones apart for years and even decades, which discourages them from following the rules and working within the system.
- It doesn't make sense to spend billions of dollars rounding people up, breaking up families, shutting down businesses, and deporting people who are working, learning English, and putting down roots here. For immigrants who don't have legal status, we should require them to come out of the shadows and register, pay taxes, and start working toward becoming Americans, while *keeping their families together*.

For America's Workers:

- Reforming immigration will help *protect all workers from exploitation and unfair competition*. Currently, millions of workers -- one in twenty in the U.S. workforce -- are vulnerable to employers who seek unfair advantage over their competitors by not paying workers minimum wage or by ignoring labor rights protected by law. Bringing undocumented workers into the system will allow them to stand up for their rights and to unionize. When they are on equal footing with other workers, unscrupulous employers will not easily be able to pit one group of workers against another, driving down wages for all Americans.
- America should not settle for a downwardly spiraling competition for lower wage jobs. America needs more jobs, more rights for workers, and better wages, not more laws to keep workers out or keep workers down.
- Reforming immigration is an important part of *fixing the ailing economy*. The federal government has an obligation to reform immigration for all American workers.

For America's Economy:

- Today, almost every American company needs smart planning, to navigate through hard times and be ready for growth when the economy recovers. Unfortunately, for too many American businesses, the *unreliable and obsolete immigration system* makes planning for the future more difficult.
- Industries like agriculture that require a large workforce ready, willing, and able to work long and physically demanding days have been unable to plan their business strategies around a *stable workforce*. Since the beginning of the twentieth century, such sectors have relied on immigrant workers to do those jobs. The hospitality, restaurant, business services, and manufacturing sectors face similar problems.

- One of the challenges American businesses face today is the aging American workforce, the rapid retirement of the large Baby Boomer generation. To maintain a balanced and a stable workforce, American businesses must find younger workers, especially in manual labor jobs. With more and more U.S. citizen youth earning high school and college degrees, the trend is making the prospects of adequately filling jobs in certain sectors extremely difficult, even in this tough economy.
- Businesses across many industries—agriculture, hospitality, restaurant, business services, manufacturing, and others—want a *stable workforce*. They want their current immigrant workers to be authorized and legal to help their businesses to succeed.

For America's Security:

- *The immigration system we have today makes little sense in terms of America's security.* With few legal options to come in through the system, many seek ways to go around it. The broken system has spawned a thriving market for smugglers and has generated chaos on the border. A seemingly *random enforcement regime* targets ordinary immigrant workers and families, diverting resources away from protecting against genuine threats. Millions of immigrants are unknown to the government. Unscrupulous employers have little fear of punishment for recruiting and exploiting undocumented workers and undermining their honest competitors.
- Immigration reform will allow more immigrants to come with a visa, not with a smuggler. It will require undocumented immigrants to get right with the law, register with the government, and go through government background security checks. This screening process will separate ordinary immigrants who have come seeking opportunities to better their lives from those who may be exploiting opportunities a broken system provides to those who may be coming to do us harm.
- Enforcement resources can then be trained on employers who flaunt labor laws and exploit undocumented immigrants, on smugglers who traffic in drugs and guns who are creating chaos on the border, and on violent individuals inside the country who may pose a threat to public safety.
- By *getting ordinary immigrants in line for citizenship and prioritizing enforcement actions* to target genuine threats, immigration reform will be good for America's security.

*These talking points are reprinted courtesy of the Reform Immigration for America Campaign. To learn more about the campaign visit their website at <http://www.reformimmigrationforamerica.org/blog/why-reform/>

BACKGROUND: ASIAN AMERICANS AND FAMILY-SPONSORED IMMIGRATION

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.

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.

TALKING POINTS ON FAMILY REUNIFICATION

Family Immigration is a Cornerstone of the American Immigration System.

United States citizens and green card holders may bring close family members, including spouses, minor children, and parents, from other countries to live permanently in America through family-sponsored immigration. 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.

The Family Is the Bedrock of American Society.

Our immigration system must keep families together. It's morally wrong to keep husbands, wives, and children apart for years or even decades at a time. People waiting for approval are not allowed to visit the United States, meaning they are not allowed to see their family members for the years they are waiting. Families sometimes wait 10, 15 or even 20 years to be reunited. A system that keeps family members separate hurts everyone, because the family is the basic unit of our society, and everything falls apart without it. We should be encouraging families to stay together, not forcing them to remain separate.

Family Immigration Reform is an American Solution.

Any policy that would keep family members apart for decades at a time, husband from wife, and mother from child, can't be an American solution. A real American solution would reward immigrants for following the law, not punish them. This reform does that by making sure that everyone who applies the right way will get to be with their loved ones in a reasonable amount of time.

The Current Immigration System is Broken, Outdated, and Needs to be Fixed.

The massive backlog in visa applications is another clear sign that the system is not working. Our rules were designed to ensure a steady, manageable flow of legal immigration and unite families. Yet the current system has not been updated in 20 years. We now have an out-of-control flow of illegal immigration, while legal immigrants, who have done everything by the book, are forced to spend years or decades separated from their families. Every year, thousands of visas also go unused because of bureaucratic red tape, meaning that an average of 20,000 immigrants who should legally receive a visa don't get one. The system is broken, and we need to fix it now.

Families Make America Stronger.

Immigrants who have the support of family members are more likely to integrate into the mainstream of American society and become productive taxpayers. Now more than ever, with the economy like it is today, we need more of the type of people who will be committed to their new country, work hard, play by the rules, start businesses and pay taxes. These families will expand

our tax base, broaden tax revenues, and strengthen our economy. That's exactly what we get when immigrant families come together and support each other.

Family Immigration Supports Hardworking Legal Immigrants Who Contribute to America.

This reform is about helping legal immigrants unite with their families. Legal immigrants who have the support of strong families are more likely to work hard, pay taxes, and start businesses that create jobs. Immigrants who have played by the rules and brought their families here are committed to becoming Americans and giving back to this country.

Our Immigration System Shouldn't Punish Legal Immigrants Who Have Played by Our Rules.

For some immigrants, a family member abroad is the only family they have. It's just wrong to create laws that punish immigrants who have done everything right and come to our country legally by telling them they can never be reunited with their closest family members who they promise to support and take care of. The average immigrant sponsors fewer than two dependents in a lifetime, and any sponsor is required by law to be able to support family members they bring over. We ought to be encouraging family members to be together, becoming productive taxpayers and supporting each other so we don't have to.

FEDERAL IMMIGRATION REFORM LEGISLATION

This section describes several key pieces of current federal legislation related to comprehensive immigration reform. To check for the most up-to-date federal legislative information, go to the *Thomas* website at <http://thomas.loc.gov/>.

CURRENT LEGISLATION

The Immigration Oversight and Fairness Act (H.R. 1215, 111th Congress)

On February 26, 2009, Congresswoman Lucile Roybal-Allard (D-Calif.) introduced the Immigration Oversight and Fairness Act (H.R. 1215). The bill contains critical measures to reform our nation's immigration detention system and ensure that those taken into custody by the Department of Homeland Security (DHS) are kept in safe and humane conditions.

In 2008, more than 300,000 people were held in DHS detention, with China ranking among the top countries of origin for detainees. Detention practices have faced intense scrutiny amidst alarming reports of detainee abuse and medical negligence. Between 2003 and 2008, at least 80 people died while in custody, including Young Sook Kim and Hiu Lui "Jason" Ng. Both were denied adequate medical care and died of untreated cancer.

The legislation would codify minimum standards for detention conditions, including providing access to telephones, quality medical care, interpretation and translation assistance in vital circumstances, and treatment for sexual abuse survivors. Other provisions would guarantee protections for unaccompanied children who are taken into custody, as well as expand the use of alternatives to detention. Community-based "alternatives to detention" programs offer more humane options for those who pose no flight risk or threat to the public.

The Reuniting Families Act (S. 1085/H.R. 2709 111th Congress)

On May 20, 2009, Senator Robert Menendez (D-N.J.), along with Senator Kirsten Gillibrand (D-N.Y.), Senator Edward Kennedy (D-Mass.), and Senator Charles Schumer (D-N.Y.), introduced the Reuniting Families Act, a bill to help family members reunite in America in a timely manner. On June 4, 2009, Rep. Michael Honda (D-Calif.), along with 55 original co-sponsors, introduced separate version of the bill in the House. These bills would reform America's family-based immigration system to end lengthy separations of loved ones, promote family stability and foster the economic growth that immigrant families have provided throughout our history. As a result of current long waits, many family members who apply for visas in the prime of their lives are not

granted admission until they reach retirement age, undermining their economic contribution to our country and encouraging some frustrated relatives to resort to illegal migration. The current system has not been updated in 20 years — it keeps spouses and children and their parents apart for years and even decades, despite the fact that the family has played by the rules. This bill would take important steps toward fixing our broken family immigration system by reducing the waiting times for legal immigrants. Specifically, the bill would:

- **Recapture unused family-based and employment-based visas previously allocated by Congress which remain unused:** Unused and unclaimed visas from 1992 to 2007 would be placed back into the pool of current visas for families and employers to utilize, and unused visas in future fiscal years would “roll over” to the next year.
- **Allow green card holders to reunite with their spouses and minor children:** The bill classifies the children and spouses of green card holders as “immediate relatives.” This would allow spouses and children of green card holders to immediately qualify for a visa.
- **Increase the per country limits of family and employment-based visas from 7% to 10%:** Right now, each country only has a 7% share of the total cap of visas that Congress allocates each year. Small countries and large countries get the same percentage under current law. Increasing each country’s percentage of visas would eliminate the absurdly long wait times for individuals to immigrant from large countries like China and India.
- **Allow widows and widowers to immigrate despite death of a petitioner:** Every year, a number of immigrants are deported because the U.S. citizen or green card holder relative who sponsored them has died before the government adjudicated their applications. The bill addresses the immigration-related hardships caused by these family tragedies by clarifying that the government should continue to process the applications of immigrants who are already in line to receive a family visa at the time of their sponsoring close relative’s death.
- **Promote family unity by allowing more people to use the system:** The bill would also allow more people to use our family immigration system by giving the Attorney General more power to waive barriers for immigrants who have been present unlawfully in the past. Similar to other provisions in current law, this provision allows an already eligible individual to immigrate to the U.S. if he or she demonstrates hardship to a family member or eligibility for an immigrant visa.
- **The bill also recognizes the sacrifices that certain World War II Filipino veterans made for this country by exempting their children from the numerical caps on visas.**

In addition to the provisions it shares with S. 1085, **H.R. 2709 also eliminates discrimination in immigration law against same-sex, permanent partners and their families who are seeking to reunite.**

The Development, Relief, and Education for Alien Minors Act (S. 729/H.R. 1751)

On March 26, 2009, a bipartisan group of Senate and House members, led by Senators Richard Durbin (D-Ill.), Richard Lugar (R-Ind.), Russell Feingold (D-Wis.), Edward Kennedy (D-Mass), Patrick Leahy (D-Vt.), Joe Lieberman (I-Conn.), Mel Martinez (R-Fla.) and Harry Reid (D-Nev.), and Representatives Howard Berman (D-Calif.), Joseph Cao (R-La.), John Conyers Jr. (D-Mich.), Lincoln Diaz-Balart (R-Fla.), Mario Diaz-Balart (R-Fla.), Zoe Lofgren (D-Calif.), Devin Nunes (R-Calif.), Jared Polis (D-Colo.), Ileana Ros-Lehtinen (R-Fla.) and Lucille Roybal-Allard (D-Calif.), joined to introduce S. 729 and H.R. 1751, the Development, Relief, and Education for Alien Minors Act (the DREAM Act). This legislation would allow undocumented students to eventually attain conditional permanent residency by meeting certain requirements, including attending a U.S. high school, proving residency, and having a clean record. These students would also have to go to college or receive a two-year degree. The last time DREAM went to a floor vote in the Senate, it received 52 votes, eight votes shy of passing.

To qualify for the DREAM Act, a student must:

- Have been living in the United States more than 5 years prior to the enactment of the bill;
- Be 15 years old or younger at the time they came to the United States; and
- Graduate from a U.S. High School, obtain a GED, or be admitted to an institution of higher education.

It is estimated that 65,000 undocumented immigrant students graduate from high school every year. Many Asian American students are undocumented for a variety of reasons. Many are children of parents who have fled from war-torn countries such as Laos and Vietnam, and whose parents' asylum petitions were denied in immigration court. Many families had individuals acting as translators inappropriately preparing legal documents for them, and thus fell out of status due to lack of legal representation or inadequate legal representation.

An estimated 1.2 million Asian Americans are undocumented, and many of them are students who have come to America as young children. Studies have shown that undocumented students have the potential to provide the country with enormous economic benefits. The National Foundation for American Policy calculated that "over the next 50 years, new legal immigrants entering the United States will provide a net benefit of \$407 billion in present value to America's Social Security system."

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 residence status.

Currently, in most states, undocumented students must pay out-of-state tuition even if they meet the residency requirements for in-state rates. Because out-of-state tuition can cost several times more

and undocumented students are ineligible for scholarships or any form of financial aid, it is difficult for most to attend college.

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

In the ten states listed above, undocumented students are eligible for in-state tuition if they:

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

*The description of the DREAM ACT is reprinted courtesy of National Korean American Service & Education Consortium (NAKASEC). The original fact sheet is available at <http://nakasec.org/blog/wp-content/uploads/2009/04/dream-act-fact-sheet2009.pdf>.