

Written Statement of
Asian Americans Advancing Justice

House Committee on the Judiciary
Subcommittee on Immigration and Border Security

Hearing on: "Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children"

July 23, 2013

Today the House Subcommittee on Immigration and Border Security will hold a hearing titled "Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children." On behalf of Asian Americans Advancing Justice ("Advancing Justice"), a national non-profit, non-partisan affiliation representing the Asian American and Pacific Islander (AAPI) community on civil and human rights issues, we believe that considering the plight of undocumented youth is a good first step in reforming the broken immigration system. However, we respectfully urge the Subcommittee to consider the plight of all of the estimated 11 million undocumented individuals who currently reside in the United States. Anything less than a full solution to fix the broken immigration system is not enough.

Asian Americans and Pacific Islanders (AAPI) have much at stake in pushing for fair and inclusive immigration reform. Out of about 18 million AAPIs in the U.S., 1.3 million are undocumented.¹ More undocumented AAPI immigrants are from China than any other Asian country (280,000), closely followed by the Philippines (270,000), India (240,000), Korea (230,000), and Vietnam (170,000).² Undocumented Indians are the fastest growing undocumented AAPI community - has doubled in size from 120,000 to 240,000 from 2000 to 2011.³ 267,000 LGBT-identified individuals are undocumented, representing about 2.7% of undocumented adults in the U.S. and of which 15% of undocumented LGBT adults are AAPI.⁴

AAPI undocumented youth specifically stand to benefit from immigration reform. Among the 2.1 million undocumented youth who would qualify for legalization through the DREAM Act, 1 in 10 is of Asian origin.⁵ Of 1.76 million potential DACA beneficiaries, 9 percent are (about 170,000) from Asia.⁶ In the University of California system, AAPIs make up about 45% of undocumented undergraduate students, with Koreans comprising 70 percent of the

¹ Pew Hispanic Center, "Unauthorized Immigrant Population: National and State Trends, 2010," available at <http://www.pewhispanic.org/2011/02/01/unauthorized-immigrant-population-national-and-state-trends-2010/>.

² Michael Hoefler, Nancy Rytina and Bryan Baker, DHS Office of Immigration Statistics, "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011," September 2012, available at http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2011.pdf.

³ Hoefler at 5.

⁴ Gary J. Gates, "LGBT Adult Immigrants in the United States," Williams Institute, March 2013, pg 1, available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTImmigrants-Gates-Mar-2013.pdf>.

⁵ Jeanne Batalova and Margie McHugh, "DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries," July 2010, pg. 6, available at <http://www.migrationpolicy.org/pubs/dream-insight-july2010.pdf>.

⁶ Jeanne Batalova and Michelle Mittelstadt, "Relief from Deportation: Demographic Profile of the DREAMers Potentially Eligible under the Deferred Action Policy," August 2012, pg. 6, available at http://www.migrationpolicy.org/pubs/fs24_deferredaction.pdf.

undocumented student population followed by Pilipino (10%), Chinese (7%), and Indian and Pakistani students (5%).⁷

Undocumented youth face several obstacles: 1) they cannot receive any federal financial aid; 2) they cannot establish state residency; 3) they cannot receive benefits on the basis of residency, as federal law bars states from doing so unless the same benefit is offered to all U.S. citizens regardless of their residency; and (4) they lack access to healthcare.⁸ In fact, any solution to the broken immigration system should include access to health care, not just for Dreamers but for all undocumented immigrants as tax-paying members of our society.⁹ These youth also often face emotional distress, anxiety, sadness, and depression – all psychological costs related to the fear of revealing their status to others and fears of deportation.¹⁰

In addition, many Dreamers reside in mixed-status families where family members are undocumented, are legal permanent residents, and are citizens. These families are getting torn apart, separated, and held back because of the broken immigration system. A large percentage of the 11 million undocumented individuals have gone through the legal immigration system and are ensnared in backlogs, waiting for years to legalize.¹¹ To be with their family, some have overstayed their visas or arrived without authorization because of the long wait times for family sponsorship, while others have let their temporary status lapse. According to the Pew Hispanic Center, approximately 5.5 million children in the United States, including 4.5 million U.S.-born citizens, live in mixed-legal status families with at least one parent who is an unauthorized immigrant.¹²

These children are at risk of being separated from a parent at any time. The U.S. Department of Homeland Security (DHS) Office of the Inspector General estimates that over 108,000 parents of U.S.-citizen children were removed from the U.S. between 1997 and 2007.¹³ Reflecting a dramatic increase in recent years, statistics released by DHS reveal that 204,810 parents of U.S.-

⁷ University of California Office of the President, “Annual Report on AB 540 Tuition Exemptions, 2011-2012 Academic Year,” June 2013, Page 15, available at http://www.ucop.edu/student-affairs/files/ab540_annualrpt_2012.pdf.

⁸ National Immigration Law Center, “Immigrants and the Affordable Care Act,” available at <http://www.nilc.org/immigrantsshr.html>.

⁹ Institute on Taxation and Economic Policy, “Undocumented Immigrants’ State and Local Tax Contributions,” July 2013, available at <http://www.itep.org/pdf/undocumentedtaxes.pdf> (estimates that undocumented immigrant contribute significantly, paying \$10.6 billion a year in state and local sales, excise, income and property taxes).

¹⁰ Educators for Fair Consideration, “The Case for Undocumented Students in Higher Education,” available at http://www.e4fc.org/images/E4FC_TheCase.pdf.

¹¹ Immigration Policy Center, “Why Don’t They Just Get in Line?: The Real Story of Getting a “Green Card” and Coming to the United States Legally,” March 2013, available at <http://www.immigrationpolicy.org/just-facts/why-don%E2%80%99t-they-just-get-line>.

¹² Immigration Policy Center, “Falling Through the Cracks: The Impact of Immigration Enforcement on Children Caught Up in the Child Welfare System,” available at <http://www.immigrationpolicy.org/just-facts/falling-through-cracks>.

¹³ Immigration Policy Center, “Falling Through the Cracks: The Impact of Immigration Enforcement on Children Caught Up in the Child Welfare System,” available at <http://www.immigrationpolicy.org/just-facts/falling-through-cracks>; DHS Office of Inspector General, “Removals from Illegal Alien Parents of United States Citizen Children,” January 2009, available at http://www.oig.dhs.gov/assets/Mgmt/OIG_09-15_Jan09.pdf.

citizen children were removed from the U.S. between July 1, 2010 and September 31, 2012, accounting for nearly 23 percent of all individuals deported during that period.¹⁴

Moreover, by no means was Deferred Action for Childhood Arrivals (DACA) - instituted by the Obama Administration - a panacea. Although DACA allowed Dreamers to legally work in the U.S. and defer their deportation proceedings, this is only a temporary bandage. Deferred action is not federal law and can be terminated at any time.¹⁵ DACA recipients are only granted such status for two years at a time and an application notifies DHS of their presence, potentially exposing youth to future removal proceedings. Lastly, no benefits are conferred to family members that may also be undocumented but do not qualify for deferred action.

In 2013, we face a historic opportunity to wholly fix the broken immigration system. We need a broad and inclusive solution to address the plight of all Dreamers that includes the ability to become citizens and to reunite with their loved ones. Moreover, we need a comprehensive solution that fully addresses the 11 million undocumented individuals that live in the U.S. Immigrant youth cannot leave their parents behind, stuck in second-class status. Immigrant youth have been at forefront of calling for reform that will bring all 11 million out of the shadows. These leaders have also called for a commonsense solution that reunites families, protects workers, and ends harsh and unwarranted enforcement measures.

This is a mandate not just by Asian Americans and Pacific Islanders, but by the American people. In the November 2012 election, AAPI community said that immigration reform is issue of vital importance. In exit polling conducted by Advancing Justice-LA, 82% of Asian American voters in California said that immigration played an important role in how they viewed the presidential candidates.¹⁶ 73% of Asian American voters and 71% of Latino Americans cast their ballots for President Barack Obama in the November 2012 election.¹⁷ A June 21, 2013 FiveThirtyEight blog for the New York Times reports that polls show 72 percent of Republicans support a path to citizenship with multiple, specified requirements, as do 77 percent of independents and 83 percent of Democrats.¹⁸

¹⁴ Immigration Policy Center, "Falling Through the Cracks: The Impact of Immigration Enforcement on Children Caught Up in the Child Welfare System," available at <http://www.immigrationpolicy.org/just-facts/falling-through-cracks>; Seth Freed Wessler, Colorlines, "Nearly 205K Deportations of Parents of U.S. Citizens in Just Over 2 Years," available at http://colorlines.com/archives/2012/12/deportations_of_parents_of_us-born_citizens_122012.html.

¹⁵ U.S. Department of Homeland Security, "Deferred Action for Childhood Arrivals: Frequently Asked Questions," available at <http://www.dhs.gov/deferred-action-childhood-arrivals>.

¹⁶ Daniel Ichinose, Asian Pacific American Legal Center (now Asian Americans Advancing Justice as of June 2013), "THE 2012 ASIAN AMERICAN VOTE IN CALIFORNIA: Preliminary findings from APALC's 2012 statewide phone poll," available at <http://apalc.advancingjustice.org/sites/default/files/PHONE%20POLL%20POWER%20POINT.pdf>.

¹⁷ New York Times, "Election 2012: President Exit Polls," available at <http://elections.nytimes.com/2012/results/president/exit-polls>.

¹⁸ Nate Silver, New York Times, "In Immigration Reform, Republican Support for Citizenship Hinges on Obstacles," available at <http://fivethirtyeight.blogs.nytimes.com/2013/06/21/in-immigration-reform-republican-support-for-citizenship-hinges-on-obstacles/>.

There are also economic benefits to providing a path to citizenship for the 11 million. Earlier this year on June 18, 2013, the Congressional Budget Office (CBO) assessed the Senate's comprehensive immigration bill (S. 744), which includes path to citizenship. The CBO found that in the first ten years after enactment, S.744 would reduce federal budget deficits by \$197 billion (although Corker-Hoeven amendment decreased this to less than \$40 billion).¹⁹ Over 20 years, S. 744 would reduce deficits by \$700 billion over that period.²⁰ Allowing undocumented immigrants to work in the United States legally would increase their state and local tax contributions by an estimated \$2 billion a year.²¹ In contrast, mass deportation would cost the U.S. economy a \$2.6 trillion in lost, cumulative GDP over 10 years,²² and a total 5-year immigration enforcement cost under a mass deportation strategy would be approximately \$285 billion.²³

We once again strongly urge the Subcommittee to consider the plight of all of the estimated 11 million undocumented individuals who currently reside in the United States. Anything less than a full solution to fix the broken immigration system is not enough. We welcome the opportunity for further dialogue and discussion about these important issues. We look forward to working with the Committee as it develops and moves immigration reform legislation through Congress. Thank you for the opportunity to express the views of Advancing Justice.

¹⁹ Congressional Budget Office, "Cost Estimate: S. 744 Border Security, Economic Opportunity, and Immigration Modernization Act, As reported by the Senate Committee on the Judiciary on May 28, 2013, including the amendments made in the star print of June 6, 2013," June 18, 2013, available at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/s744.pdf> (subsequently amended on June 24, 2013 by CBO after Corker-Hoeven amendment passage, available at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/SA%201183.pdf>).

²⁰ Congressional Budget Office, "Cost Estimate: S. 744 Border Security, Economic Opportunity, and Immigration Modernization Act, As reported by the Senate Committee on the Judiciary on May 28, 2013, including the amendments made in the star print of June 6, 2013," June 18, 2013, available at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/s744.pdf>.

²¹ Institute on Taxation and Economic Policy, "Undocumented Immigrants' State and Local Tax Contributions," July 2013, available at <http://www.itep.org/pdf/undocumentedtaxes.pdf>.

²² Raul Hinojosa-Ojeda, Immigration Policy Center, "Raising the Floor for American Workers: The Economic Benefits of Comprehensive Immigration Reform," January 2010, available at <http://www.americanprogress.org/issues/2010/01/pdf/immigrationeconreport.pdf>.

²³ Center for American Progress, "The Costs of Mass Deportation: Impractical, Expensive and Ineffective," March 2010, available at http://www.americanprogress.org/issues/2010/03/pdf/cost_of_deportation.pdf.