



BLUEPRINT FOR A BETTER AMERICA: ENSURING OUR IMMIGRATION SYSTEM ADVANCES THE HEALTH AND WELL-BEING OF ASIAN AMERICANS, PACIFIC ISLANDERS AND ALL IMMIGRANTS

September 2015



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ABOUT THE ASIAN & PACIFIC ISLANDER AMERICAN HEALTH FORUM

The Asian & Pacific Islander American Health Forum (APIAHF) is a health justice non-profit organization dedicated to improving the health and well-being of more than 17 million Asian Americans, Native Hawaiians, and Pacific Islanders living in the United States and its jurisdictions. We believe that all persons have the right to be healthy, the right to live in a thriving community, and the right to quality, affordable, and accessible health care.

For the past 29 years, APIAHF has worked with community advocates, public health leaders, and policymakers to generate policies, programs, and systems changes to improve the health of Asian American, Native Hawaiian, and Pacific Islander communities. Through our policy and advocacy efforts, APIAHF was instrumental in the creation of the White House Initiative on Asian Americans and Pacific Islanders, fought for the passage of the Patient Protection and Affordable Care Act, and continues to demand the inclusion of Asian Americans, Native Hawaiians, and Pacific Islanders in the collection and reporting of local, state, and national health data. APIAHF works with local and state-based CBO's in 20 states and territories who provide services and advocate for AA and/or NHPI communities.

MISSION

The Asian & Pacific Islander American Health Forum (APIAHF) influences policy, mobilizes communities, and strengthens programs and organizations to improve the health of Asian Americans, Native Hawaiians, and Pacific Islanders.

VISION

APIAHF envisions a world where all people share responsibility and take action to ensure healthy and vibrant communities for current and future generations.

VALUES

Our work derives from three core values:

Respect because we affirm the identity, rights, and dignity of all people.

Fairness in how people are treated by others and by institutions, including who participates in decision making processes.

Equity in power, opportunities, and resources to address obstacles hindering vulnerable communities and groups from living the healthiest lives.



INTRODUCTION

As the country continues to grow and prosper, the participation and progress of our nation's nearly 20 million Asian Americans and Pacific Islanders (AAPIs) are crucial to the health and welfare of the nation as a whole. Over the past decade, more immigrants have come to the U.S. from Asia than from any other region in the world to pursue the American Dream. Despite providing new opportunities, significant parts of the U.S. immigration system are broken. While the Affordable Care Act (ACA) has expanded health care coverage options for some immigrants, immigration status continues to stand as the major social determinant impacting health and hampering the progress of immigrant communities in unnecessary ways.

This report offers concrete solutions, rooted in research and experience, to promote public health and shared economic well-being. The recommendations provide a framework for policymakers, public health leaders, and communities across the country as they strive to improve the U.S. immigration system in a way that works for all.

IMMIGRATION REFORM IS NEEDED TO PROMOTE HEALTH AND WELL-BEING

Like many other Americans, AAPIs are affected by immigration laws and policies. The history of discriminatory immigration policies—starting with the 1875 Page Act and the 1882 Chinese Exclusion Act and more recently post-9/11 enforcement laws—continues to impact AAPI communities today. Immigration is connected to globalization and is driven by proverbial push-pull factors such as poverty and economic opportunity. Upon entering the country, immigrants quickly become vital contributors to the U.S. economy and to their communities. AAPI immigrants start businesses, create jobs, pay taxes, and occupy sectors of both highly-skilled and low-wage industries.

Yet, immigrants are often excluded from essential health, safety and education services or are unable to meaningfully access these services because of arbitrary restrictions on eligibility, or discrimination based on race, national origin or limited English proficiency. Even the historic passage of the ACA offers few improvements for immigrants to access health care. Most lawfully present immigrants remain barred from publically funded health programs such as Medicaid and CHIP for five years. Undocumented immigrants are barred from using their own money to purchase private health insurance plans offered through the new Health Insurance Marketplaces.

The U.S. immigration system is broken and the country needs a fair solution that does not result in the criminalization or discrimination of immigrant families. The current environment does just that by relying on enforcement at the federal and state levels. As a result, many immigrant families are afraid to access even the most basic of government services out of fear that they be subject to a “public charge” determination.¹ This climate of fear limits economic security and adversely affects the health and well-being of immigrant families across the nation.

¹ “Public charge” is a term used by U.S. immigration officials to refer to someone who is primarily dependent on the government for subsistence. Immigrants who are found likely to become a public charge may be denied admission to the U.S. or lawful permanent resident status. Becoming a public charge is also a basis for deportation.

ASIAN AMERICAN AND PACIFIC ISLANDER IMMIGRANTS

Over 60 percent of Asian Americans and about 25 percent of Pacific Islanders in the U.S. are foreign-born, representing the full spectrum of immigration status categories including lawful permanent residents, refugees, asylees, U.S. nationals, undocumented immigrants and naturalized citizens.² Currently, over 40 percent of all U.S. immigrants come from the continent of Asia. The majority of Asian immigrants arrive through the family-based immigration system, with family sponsorships accounting for nearly 60 percent of legal immigration to the U.S. from Asia.³ Although family sponsorships among Asians are high, the family visa system is backlogged as there are significantly more family preference visa applications than available visas and each country is subject to a seven percent cap each fiscal year. Over time, these limitations have created years-long and sometimes decades-long waiting periods for immigrants to reunite with their families.⁴

Individuals from the Pacific Island jurisdictions have a complex resident/citizen status governed by the varying compact and territory agreements with the U.S. government. Residents of Guam and the Commonwealth of the Northern Mariana Islands are U.S. citizens, while residents of American Samoa are U.S. nationals. Persons from the freely associated nations of the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau are considered non-immigrants, and may enter, live and work in the U.S. without restriction. Citizens from independent Pacific Island countries, such as Tonga and Fiji, are immigrants and must comply with federal immigration laws to enter the country.

STATEMENT OF PRINCIPLES

Immigration status is a social determinant of health. Laws and policies that define and regulate one's status as a non-citizen have a profound impact on the health and well-being of AAPI immigrants, their families and all communities. As such, APIAHF supports a health justice approach to immigration reform to reduce inequalities and disparities in immigrant health. This framework requires that laws and policies:

I. Foster healthy communities

Healthy families are the foundation for fostering healthy communities. The U.S. should maintain the existing family immigration categories and reduce bureaucratic inefficiencies that keep families separated for years and sometimes decades. Immigrants benefit from both the economic and social stability of living in close proximity to their family members and from the emotional and cultural resources that families provide one another. Family-based immigrants are more likely than their native-born counterparts to start a business, and are often better able to manage health challenges such as asthma, substance abuse and teen pregnancy when they have a familial support network.

² Public Use Microdata Sample from Bureau of the Census, "2008-2012 American Community Survey 5-year Estimates," available at http://www.census.gov/acs/www/data_documentation/2012_release/.

³ U.S. Department of Homeland Security, "Yearbook of Immigration Statistics: 2013," available at <https://www.dhs.gov/publication/yearbook-immigration-statistics-2013-lawful-permanent-residents>.

⁴ For example, in July 2015, the family visa wait time for Filipino siblings of U.S. citizens was 23 years, 6 months.

A healthy community also requires that immigrants live free from fears of racial profiling, deportation and violence. Racial discrimination has a negative impact on an individual's health and well-being,⁵ and children living in mixed-immigration status households suffer from physical, behavioral and mental health difficulties due to the impact that harsh enforcement measures have on their parents and families.⁶ Policies that encourage local law enforcement officials to seek out individuals with "foreign" characteristics undermine unity and breed distrust between community members and local governments. This distrust creates a ripple effect that deters immigrant families from seeking health care services and compounds existing barriers for immigrants to access preventive and primary care.

Immigration reform must:

- Reunite families by eliminating the family immigration backlog.
- End community and workplace raids that separate families and push immigrant communities deeper into the shadows.
- Prohibit the deportation of seriously injured or long-term care immigrants.
- Allow permanent partners of U.S. citizens and lawful permanent residents to obtain green cards.

II. Fulfill the promise of health reform

With the passage of the ACA in 2010, many lawfully present immigrant AAPIs and their families benefited from improved access to health care coverage. However, undocumented immigrants and their families continue to face disparities in cost and coverage. Despite being locked out of Medicare, undocumented immigrants contributed \$35.1 billion to the program between 2000 and 2011, making it solvent for a full year.⁷ However, when they age and need critical care, undocumented immigrants are locked out of federal health programs despite paying into them for years. Faced with these challenges, immigration reform should recognize the relationship between health and immigration status and support the goal of health reform by closing the gap in coverage for all non-citizens.

- Lift the prohibition on undocumented immigrants from purchasing private health insurance at full-price in the Health Insurance Marketplaces.
- Remove arbitrary eligibility restrictions that prevent lawful immigrants from accessing means tested programs such as the five-year waiting period on Medicaid and the Children's Health Insurance Program and sponsor deeming rules.
- Define benefits eligibility for newly legalizing immigrants and other lawfully present immigrants in any new conditional status (applying, in between statuses) that offers them the ability to access affordable coverage.
- Restore federal benefits eligibility for citizens from the Federated States of Micronesia, Republic of the Marshall Islands and Republic of Palau (COFA migrants).

5 G.C. Gee and N. Ponce, Associations Between Racial Discrimination, Limited English Proficiency, and Health-Related Quality of Life Among 6 Asian Ethnic Groups in California, *American Journal of Public Health*, Vol. 100, No. 5 (May 2010).

6 The Urban Institute, *Facing Our Future: Children in the Aftermath of Immigration Enforcement* (February 2010).

7 L. Zallman, FA Wilson, JP Stimpson, et al. Unauthorized Immigrants Prolong the Life of Medicare's Trust Fund, *J Gen Intern Med* (June 18, 2015).

- Establish clear confidentiality protections to ensure that eligible immigrants do not delay or refuse care or enrollment due to fear of reporting.
- Provide funding and resources for agencies to adequately enforce existing language access requirements and ensure compliance with the nondiscrimination and language access requirements for the Health Insurance Marketplaces.
- Encourage government partnerships with immigrant serving, community-based organizations to address public charge and sponsorship concerns.

III. Fix our broken immigration system

Immigration reform can only succeed if the over 11 million undocumented immigrants residing in the U.S. are given an opportunity to participate and contribute fully in our economy and society. An estimated 1.3 million AAPIs are undocumented and many live in mixed-status households with citizen children and other family members with varying immigration statuses. Undocumented immigrants are workers, consumers, taxpayers and family members that contribute to the U.S. economy and bolster its tax base. Many are seasonal workers or perform dangerous jobs that do not provide health insurance or job security. Maintaining the status quo supports an underground system of employment that drives down wages and creates exploitative working conditions for all workers. Congress should build on the bold step of reforming our broken health insurance system by applying similar will to our broken immigration system.

- Provide a fair pathway for undocumented immigrants and their families to legalize their status and adjust to permanent residency status.
- Ensure that newly legalized immigrants are eligible for federal means tested programs at the same level as lawfully residing immigrants.
- Minimize enrollment barriers to public programs for newly legalizing immigrants.

IV. Make immigrant workers part of the solution

Foreign-born workers and their families contribute to the U.S. economy in significant ways. They create jobs, start businesses and contribute more per capita in taxes than they consume in government services over their lifetime. Asian-owned businesses have created 1.1 million jobs in the U.S. alone. With the aging baby boomer generation and expansions in coverage and services for millions of previously uninsured Americans under the ACA, the demand for health and home care workers will rapidly increase along with the demand for replacement workers. The U.S. needs immigrants to help meet its workforce needs, and it must ensure healthy workplaces for all workers.

- Provide newly legalizing immigrants and their spouses with work authorization.
- Provide funding and resources for immigrant employment training and education programs in the health sector.
- Enforce existing labor laws and educate workers and employers to ensure that immigration enforcement issues are clearly distinguished from labor law enforcement issues.

- Ensure that any employment verification system includes benchmarks for accuracy and privacy, and adequate due process protections.

V. Foster civic engagement, equal opportunity and integration

Healthy communities can only exist if they provide pathways for the active and participatory involvement of its newest members. U.S. history is rich with the contributions of immigrants who helped forge America's legacy of innovation and progress. Many of the nation's historical successes were dependent on the meaningful integration of new immigrants into the cultural and political fabric of American society. Comprehensive immigration reform cannot simply fix the existing channels of immigration; it must also dedicate resources and efforts to promote full integration into American society. Local, state and federal governments must work together to ensure equal opportunity for immigrants to participate in programs and services, learn English and understand U.S. laws.

- Create more opportunities for immigrants to pursue lawful permanent residence and naturalization.
- Expand funding and resources for English language and civic education classes, including community-based initiatives.
- Reject English-only proposals.
- Invest in education and services for the working poor in the U.S.
- Integrate poor immigrants and support economic prosperity through the provision of education, health care, and English-learning.

VI. Address global economic factors

Immigrants are often "economic refugees" who come to the U.S. to seek better employment opportunities. Global trade policies have created "push" factors, such as wealth inequities and limited economic growth for low-income workers in sending countries, and "pull" factors, such as the high demand for low-skilled labor by U.S. employers, that attract immigrant workers from around the world. Meanwhile, there are few legal channels for low-skilled immigrant workers to enter the country, making undocumented immigration the default mechanism. This underground migration undermines the entire U.S. labor market and puts undocumented workers at risk of exploitation and abuse by unscrupulous employers. To address the global economic factors that cause the migration of people for employment and opportunity, we must create a humane system that meets the demand for workers and treats all workers fairly.

- Pressure migrant sending countries to establish job-creation and poverty-amelioration programs at home and lower their reliance on remittances.
- Ensure that sending and receiving countries safely process immigrants at border crossings.

- Establish incentives and regulatory mechanisms for employers to hire immigrant workers at decent wages and with safe working conditions. Enforce labor law when employers do not comply.
- Analyze the need and demand for labor by geography, industry and season, and direct the flow of migrant labor accordingly. Analysis should include the provision of ancillary services such as childcare for workers' children.

CONCLUSION

Improving our immigration system can lead the way to the creation of healthy families and communities. Congress and the Administration should finish the work started under the Affordable Care Act to increase affordable health care coverage options for immigrants and fix our broken and outdated immigration system. A health justice approach to reforming our immigration reform must remove all barriers to accessing health care, enable immigrants to contribute and integrate fully in American society and the economy, and reflect the basic American values of dignity, fairness and equal opportunity. Asian Americans and Pacific Islanders need fair and practical immigration reform to live healthy lives and flourish.