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**WRITTEN STATEMENT OF
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“Enhancing American Competitiveness through Skilled Immigration” Hearing

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY**

March 5, 2013

South Asian Americans Leading Together (SAALT) welcomes the opportunity to submit a statement for the record for the March 5, 2013 hearing on “Enhancing American Competitiveness through Skilled Immigration” before the House Judiciary Committee. Comprehensive immigration reform greatly impacts South Asian Americans and as such, it is important and timely for the House Judiciary Committee to examine avenues of immigration options, including skilled immigration as well as inclusive, holistic options for all immigrants. In this statement, SAALT focuses on the importance of holistic immigration reform for South Asian Americans, particularly through the family- and employment-based immigration system.

SAALT is a national, nonpartisan, non-profit organization that elevates the voices and perspectives of South Asian individuals and organizations to build a more just and inclusive society in the United States. SAALT works with a base of individual members and advocates and is the coordinating entity of the National Coalition of South Asian Organizations (NCSO), a network of 41 organizations across the country that provide direct services to, organize, and advocate on behalf of South Asians in the United States.

South Asian Americans are the fastest growing major ethnic group in the United States, increasing by 81% from 2000 to 2010 to approximately 3.4 million people.¹ As almost three-quarters of South Asian Americans are foreign-born,² our community is made up of undocumented immigrants, dependent and temporary workers on various visas, refugees and asylum-seekers, lawful permanent residents, and United States citizens.

¹ South Asian Americans Leading Together (SAALT), *A Demographic Snapshot of South Asians in the United States* (July 2012) available at <http://saalt.org/wp-content/uploads/2012/09/Demographic-Snapshot-Asian-American-Foundation-20121.pdf>.

² See Gryn, Thomas and Gambino, Christine, U.S. Census Bureau, *Asia: 2011 American Community Survey Briefs* (October 2012) available at <http://www.census.gov/prod/2012pubs/acsbr11-06.pdf>; Asian American Center for Advancing Justice, *A Community of Contrasts: Asian Americans in the United States: 2011* available at http://www.advancingjustice.org/pdf/Community_of_Contrast.pdf.

Though South Asian Americans are often framed as benefiting exclusively policy reform related to skilled workers or graduates of science, technology, engineering, and math (STEM), the truth of the matter is that we are impacted by all facets of immigration. We are janitors and domestic workers, taxi drivers and day laborers, as well as doctors and engineers. We are family members seeking to see and be with our loved ones, with ambitions to succeed in our chosen professions. We are undocumented individuals as well as visa holders, legal permanent residents, refugees and asylees, and American citizens.

According to the Department of Homeland Security, there were approximately 240,000 undocumented Indians alone in 2011, making India the seventh-highest country of origin for undocumented individuals in the United States.³ Additionally, South Asians, especially those from Bangladesh, India and Pakistan, are often separated from their families for years at a time as a result of the family and employment visa backlogs. As a result, immigration reform is of the utmost importance to the South Asian community and it is essential that such reform encompass large-scale change that unites families, provides individuals and their family members with options to obtaining visas and citizenship, and ends unjust enforcement measures that have resulted in racial profiling of our community members, particularly in the past decade.

The United States is a nation that was built by and thrives upon the hard work of immigrants. South Asian Americans, like all other communities, are not a monolithic population whose immigration concerns can be limited to employment-based immigration, entrepreneurial visas, or STEM opportunities; though we share commonalities, we make up a range of people with various needs, across all layers of immigration reform. Socially, culturally, and economically, South Asian Americans and all immigrants contribute to the strength of our nation and its success both nationally and internationally. The happiness and success of our community directly contributes to that of the country and without just and humane avenues towards these goals, our nation does not move forward as a whole. SAALT urges that comprehensive immigration reform make all-encompassing changes because only then will we create an immigration system that is just and humane for South Asian Americans, all immigrants, and the country as a whole.

COMPREHENSIVE IMMIGRATION REFORM MUST BE HOLISTIC IN ORDER TO TRULY BENEFIT SOCIETY

South Asian Americans contribute to our society in numerous capacities, socially, culturally, and economically. Our community members fill the gaps in low- and high-skilled jobs, start their own businesses, provide support to their loved ones, and desire an education and opportunity like any other American. Unfortunately, the current immigration system often does not allow South Asian Americans the opportunity to achieve these goals for the betterment of themselves, their families, or our society. Not only do they face numerous barriers to obtaining status, but they are often separated from their families, not provided with effective worker protections, suffer the consequences of harsh enforcement measures frequently based in racial and religious profiling, and denied due process, basic human rights, and ancillary services and benefits, such as health

³ Hoffer, Michael, Rytina, Nancy, and Baker, Bryan, U.S. Department of Homeland Security, *Estimates of the Unauthorized Immigration Populations Residing in the United States: January 2011* (March 2012) available at http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2011.pdf.

care. All of these issues make it increasingly difficult for South Asian Americans as well as many other immigrants to successfully contribute to our country and therefore, impinge upon our progress as a nation.

In order for South Asian Americans to effectively contribute to society, these barriers and penalties must be eradicated. SAALT urges that immigration reform (1) creates accessible and affordable pathways to legalization and citizenship for all undocumented individuals; (2) keeps families together, eliminates visa backlogs, and increases caps for family and employment visas; (3) creates legislation that provides equal immigration benefits and protections to and prohibits discrimination against same-sex couples; (4) provides avenues and protections for immigrant workers and their families; (5) rejects enforcement-only approaches to immigration and terminates racial and religious profiling; (6) ensures due process and human rights standards for immigrants, including within the detention and deportation system; (7) creates policies that support the empowerment of women, including victims of domestic violence and trafficking; (8) provides access to services and benefits, including health care, regardless of immigration status; and, (9) promotes support for integration programs, including English as a Second Language, and naturalization.⁴

It is only with this holistic approach to immigration reform that South Asian Americans and all other immigrants will be able to effectively contribute to our society in a way that allows our nation to flourish, prosper, and succeed.

EMPLOYMENT-BASED IMMIGRATION CAN ONLY BE EFFECTIVE IN CONJUNCTION WITH FAMILY-BASED IMMIGRATION & OTHER REFORMS

A significant portion of the South Asian community in the United States is made up of both low-wage and high-skilled immigrants. These community members often face a range of immigration challenges that inhibit their ability to stay in the country, be reunited with family, and seek opportunities to advance their careers and establish new ventures. In particular, South Asian Americans make up significant portions of H-1B visa holders;⁵ H-2B visa holders; L-1 visa holders;⁶ STEM graduates; and, entrepreneurs in the science and technology industry. Unfortunately, many of these immigrants of various statuses face poor workplace conditions and exploitation, such as including wage discrimination and theft,⁷ barriers to job mobility,⁸ delays in

⁴ These standards of comprehensive immigration reform have been called for by the National Coalition of South Asian Organizations (NCSO), a coalition of 41 groups around the United States that works closely with South Asian immigrants, including aspiring citizens. National Coalition of South Asian Organizations, *South Asian Organizations Call for Just and Humane Reform of the Immigration System* (February 1, 2012) available at <http://saalt.org/wp-content/uploads/2012/09/South-Asian-Organizations-Call-for-Just-Humane-Immigration-Reform1.pdf>.

⁵ In 2011, approximately 147,290 Indian nationals alone were admitted under the H-1B program. U.S. Department of Homeland Security, Office of Immigration Statistics, *2011 Yearbook of Immigration Statistics* (September 2012) available at http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois_yb_2011.pdf.

⁶ In 2010, approximately 35,000 Indian nationals alone were issued L-1 visas. U.S. Department of State, Nonimmigrant Visa Statistics, *Nonimmigrant Visa Issuances by Visa Class and Nationality* (2010).

⁷ National Council of Asian Pacific Americans, *2012 Policy Platform: Framing Issues and Recommendation to Improve the Lives of Asian American, Native Hawaiian and Pacific Islander Communities* (2012) available at http://ncapaonline.org/index_116_705981300.pdf.

background checks, visa caps, and long wait times for employment-based green cards.⁹ It is essential that immigration reform eliminate these restrictions that impinge on the development of our society by (1) eliminating the backlog and country quotas; (2) increasing visa caps where relevant; (3) allowing for visa portability so that individuals can change employers or jobs without losing their status; (4) expanding the number of annual employment-based green cards; and, (5) ensuring worker protections by monitoring workplace conditions and wage violations, to name a few.

However, these changes alone will not fix the problematic nature of our immigration system. Immigration reform must comprise of policy changes that protect the entire range of South Asian Americans in the employment-based immigration system in addition to other aspects of immigration. In fact, changes to the employment-based immigration system alone do not necessarily benefit applicants in a holistic way nor to they benefit our society at every level.

While employment-based immigration greatly benefits a large segment of the immigrant population, including South Asian Americans, reforming only this aspect of our immigration system hinders both the progress of immigrants individually and that of our country economically and culturally. Many applicants for employment-based status also have family members for whom they would like to petition and whose contributions allow the worker applicant to further succeed and contribute to American society in a cultural, social, and economic manner. Additionally, those on employment-based visas are not the only immigrants who become entrepreneurs in the United States; in fact, many immigrants who do not arrive through employment-based measures become entrepreneurs and greatly impact our economy as well. As mentioned by Representative Zoe Lofgren the February 5, 2013 House Judiciary Committee hearing on immigration, the founders of the Google, Yahoo, Intel, and eBay did not come to the United States through our employment-based immigration system; these entrepreneurs entered through other immigration options such as family-based visas, as refugees, or as the children of refugees.¹⁰ Family-based immigration is essential to ensuring the continued vitality of our society economically and culturally because America benefits when immigrant families come together and support each other.¹¹

⁸ For example, H-1 and L-1 workers face difficulties changing jobs or obtaining promotions because their immigration status and green card application are tied to their sponsoring employer for a specific position. See e.g. U.S. Citizenship and Immigration Services, *Interim Guidance for Processing I-140 Employment-Based Immigration Petitions & I-485 & H-1B Petitions Affected by the American Competitiveness in the Twenty-First Century Act of 2000* (2005) available at http://www.uscis.gov/USCIS/Laws/Memoranda/Static_Files_Memoranda/Archives%201998-2008/2005/ac21intrm122705.pdf.

⁹ See U.S. Department of State, *Visa Bulletin for February 2013*, No. 53, Volume IX (February 2013) available at http://www.travel.state.gov/visa/bulletin/bulletin_5856.html.

¹⁰ Jennifer Martinez, *House Republicans Place Priority on Immigration Fix for High-Skilled Workers* (February 5, 2013) available at <http://thehill.com/blogs/hillcon-valley/technology/281229-house-republicans-place-priority-on-immigration-fix-for-high-skilled-workers#ixzz2MVzjwGFp>; see also, Matt Hershberger, *Survey: Asian Americans Concerned with Legalization, Family Backlogs* (February 8, 2013) available at <http://immigrationimpact.com/2013/02/08/survey-asian-americans-concerned-with-legalization-family-backlogs/>.

¹¹ See Asian American Justice Center, *The Economic Impact of Family-Based Immigration* available at <http://www.advancingequality.org/attachments/wysiwyg/7/FamilyImmigrationEconomy.pdf>.

Immigration reform must unite families, not separate them and keep loved ones apart for months or years. As of November 2012, approximately 4.5 million people were awaiting their family-based immigration visas and approximately 4.6 million were awaiting their employment-based immigration visas.¹² Of these millions, approximately 332,846 are Indian, 161,896 are Bangladeshi, and 115,903 are Pakistani.¹³ Though the available statistics are limited to the countries with the highest application rates, these numbers mean that more than 610,645 of the immigrants separated from their families while awaiting the resolution of these backlogs are South Asian. Additionally, some South Asian Americans have been known to wait nearly ten years for certain employment visas and eleven years before obtaining their green cards from a sponsoring U.S. citizen sibling.¹⁴ For our community members without family or support in the United States, this waiting period is even more detrimental to their integration and success in this country. Furthermore, individuals from Bangladesh, India, and Pakistan are no longer eligible for diversity visas in 2013 because they have reached the cap over the last five years.¹⁵

Immigrants come to the United States to improve their lives and contribute their skills to the American economy. They work hard, pay taxes, buy property, and greatly contribute to the American economy, as well as our culture and diversity. However, many of their efforts are thwarted by our current immigration system. In order for our country to fully benefit from the strength of the South Asian community, families must not be divided – they must be united; workers, skilled and unskilled, must have immigration options; same-sex couples must be given the same immigration opportunities. In truth, all of the previously mentioned reforms must happen in order for our society to fully benefit. To invoke some change without others or worse, at the expense of others, will not solve the issue. It will only deepen the already existing problem and hinder our success as a nation.

RECOMMENDATIONS

The current immigration system is more than flawed, damaging our ability as a nation to move forward successfully. This system must be reformed in a comprehensive and holistic manner in order to truly allow our society and economy to succeed. To reform pieces of the system such as employment-based immigration or “skilled immigration” alone does not enhance our competitiveness as a nation or build our economy. Our nation and its strength economically and culturally are heightened by the benefits of the entire immigration system as a whole, not by one part. To alter parts of our immigration system without strengthening and reforming others would only deepen the problem without providing holistic solutions.

In order to thoroughly address these issues, SAALT urges that comprehensive immigration reform take a broad-scale approach to immigration by:

¹² U.S. Department of State, *Annual Report of Immigrant Visa Applicants in the Family-sponsored & Employment-based Preferences Registered at the National Visa Center* (November 1, 2012) available at <http://www.travel.state.gov/pdf/WaitingListItem.pdf>.

¹³ *Id.*

¹⁴ U.S. Department of State, *Visa Bulletin for February 2013*, No. 53, Volume IX (February 2013) available at http://www.travel.state.gov/visa/bulletin/bulletin_5856.html.

¹⁵ U.S. Department of State, *Instructions for 2013 Diversity Immigrant Visa Program* (2013) available at http://travel.state.gov/pdf/DV_2013_instructions.pdf.

- (1) Creating accessible and affordable pathways to legalization and citizenship for all undocumented individuals;
- (2) Keeping families together, eliminating visa backlogs, and increasing caps for family and employment visas;
- (3) Creating legislation that provides equal immigration benefits and protections to and prohibits discrimination against same-sex couples;
- (4) Providing avenues and protections for immigrant workers and their families;
- (5) Rejecting enforcement-only approaches to immigration and terminating racial and religious profiling;
- (6) Ensuring due process and human rights standards for immigrants, including within the detention and deportation system;
- (7) Creating policies that support the empowerment of women, including victims of domestic violence and trafficking;
- (8) Providing access to services and benefits, including health care, regardless of immigration status; and,
- (9) Promoting support for integration programs, including English as a Second Language, and naturalization.

Together, we can ensure that our country creates immigration reform that is holistic, just, and humane for South Asian Americans, all immigrants, and society as a whole. Thank you for the opportunity to submit this statement for the record.

For further information about the comprehensive immigration reform as it relates to the South Asian community, please contact Manar Waheed, SAALT's Policy Director at manar@saalt.org, or (301) 270-1855.