



6930 Carroll Avenue  
Suite 400L  
Takoma Park, MD 20912  
Phone: 301.270.1855  
Fax: 301.270.4000

**CONGRESSIONAL TESTIMONY**

---

**The Impact of Comprehensive  
Immigration Reform on the South  
Asian Community in the United  
States**

**Written Testimony for  
The Subcommittee on Immigration  
Committee on the Judiciary  
United States House of Representatives  
Hearing on Comprehensive Immigration  
Reform: Perspectives from Faith-Based and  
Immigrant Communities  
May 22, 2007**

**Deepa Iyer  
Executive Director**

Chairperson Lofgren, Ranking Member King, and members of the Subcommittee: I am Deepa Iyer, the Executive Director of South Asian American Leaders of Tomorrow (SAALT). I appreciate the opportunity to present to you information and views of the impact of immigration reform on the lives of South Asian immigrants in the United States.

SAALT is a national, non-profit organization dedicated to ensuring the full and equal participation by South Asians in the civic and political life of the United States through community education, coalition-building, leadership development and advocacy around civil and immigrant rights issues. South Asians trace their ancestries to Bangladesh, Bhutan, India, Nepal, Pakistan, Sri Lanka, the Maldives, as well as to the diaspora, including Africa, the Caribbean, Europe, and the Middle East.

Much of SAALT's work is informed by South Asian community-based organizations who are our partners, including Andolan (New York), Chaya (Seattle), Chhaya CDC (New York), Coney Island Avenue Project (New York), Council of Peoples Organization (New York), Desis Rising Up and Moving (New York), Indo-American Democratic Organization (Chicago), Manavi (New Jersey), Michigan Asian Indian Family Services (Michigan), Saheli (Boston), Sakhi (New York), Sikh American Legal Defense and Education Fund (Washington, DC), Sikh Coalition (New York), South Asian American Policy and Research Institute (Chicago), South Asian Progressive Action Collective (Chicago), South Asian Network (Los Angeles), and many others. These organizations serve South Asian communities in a myriad of ways and are routinely in contact with South Asian immigrants. Their experiences and local knowledge in large part inform the policy recommendations included in this testimony.

As an immigrant myself who moved to the United States at the age of 12 with my parents and brother, I personally understand the importance and need for an effective immigration system. In fact, for the approximately 2.5 million South Asians in America – a community that includes legal permanent residents, undocumented immigrants, skilled and unskilled workers, students, and citizens – the immigration system has long been a fixture in our lives.<sup>1</sup> With nearly 75% of the South Asian population being foreign-born, immigration changes will impact those of us here in America today, as well as future flows of immigrants.<sup>2</sup> Laws governing immigration have significant and tangible repercussions on our community members.

#### **ABOUT THE SOUTH ASIAN COMMUNITY**

The South Asian community in the United States is extremely diverse in terms of our ancestry, ethnicity, national origin, immigration status, economic status, religion, culture, sexual orientation, and political affiliation. The community is also experiencing significant increases in population growth. Between 1990 and 2000, for example, the Indian, Pakistani and Bangladeshi populations were the fastest growing segments within the entire Asian American community.<sup>3</sup> The rapid growth of the South Asian community is reflected throughout the country – while metropolitan areas such as New York/New Jersey, the San Francisco Bay Area, Chicago, and Los Angeles have the largest populations of South Asians, areas with emerging populations include Atlanta, the Washington DC metropolitan area, and Seattle.<sup>4</sup>

---

<sup>1</sup> U.S. Census 2000

<sup>2</sup> *Id.*

<sup>3</sup> *A Community of Contrasts: Asian Americans and Pacific Islanders in the United States*, Asian American Justice Center (March 2006).

<sup>4</sup> U.S. Census 2000.

South Asians are doctors, lawyers and engineers, as well as cashiers, taxi drivers and restaurant workers.<sup>5</sup> According to a January 2007 study from Duke University on America's immigrant entrepreneurs, almost 26% of immigrant-founded companies created in the last decade were founded by Indian immigrants.<sup>6</sup>

However, while the common perception is that all South Asians are well off, this is obviously not the case. For example, linguistic barriers are prevalent among South Asians. Nearly a fifth of Indians and Pakistanis are limited-English proficient, while over 80% of Bangladeshi seniors and 59% of Pakistani seniors also experience difficulty with English<sup>7</sup>. Increasing rates of poverty also exist within significant segments of the South Asian community – 51% of Bangladeshis and nearly 40% of Pakistanis live at less than 200% of the poverty line.<sup>8</sup> Among the top ten most prevalent occupations for South Asians include cashiers, vehicle operators, waiters and waitresses, and retail sales.<sup>9</sup>

### **SOUTH ASIANS AND THE IMMIGRATION SYSTEM: A HISTORICAL FRAMEWORK**

Given that the South Asian population in the United States is predominantly foreign-born, our community members frequently encounter the immigration system and confront challenges. At the turn of the twentieth century, South Asians faced obstacles to migration and naturalization due to national origin quotas and restrictions on naturalization in the same vein as other immigrants from Asia. Immigration laws after 1965 relaxed these restrictions and gave rise to greater opportunities for family-based and employment-based immigration. In the decades that followed, South Asians relied heavily upon these new preferences and categories to come to the United States. After 1990, a third wave of South Asian immigration occurred and even more diverse populations arrived in America, ranging from specialty occupations workers to working-class families.

Following September 11, 2001, numerous administrative and legislative policies were implemented that have had a devastating impact upon non-citizens of South Asian descent. For example, between September 2001 and February 2002, the Federal Bureau of Investigations and then-Immigration and Naturalization Service (INS) detained approximately 1,100 individuals with supposed links to terrorist activities. Many were denied access to counsel and underwent secret hearings. Of those detained, the largest numbers were Pakistani citizens (33%) and the sixth largest were Indian citizens.<sup>10</sup>

In June 2002, the Department of Justice instituted a program known as the National Security Exit/Entry Registration System (NSEERS), which included a domestic component known as “special registration.”<sup>11</sup> This program required males aged 16 and over from 25 countries with predominantly Muslim and Arab populations – including Bangladesh and Pakistan – to report to local immigration offices. While touted as a tool to fight terrorism, this program became an immigration enforcement measure as those who reported and were found to be out of status were immediately placed into deportation proceedings. Of the 83,000 who registered, 13,000 were set

---

<sup>5</sup> *Id.*

<sup>6</sup> *America's New Immigrant Entrepreneurs*, Duke University [January 2007]. Available at [http://memp.pratt.duke.edu/downloads/americas\\_new\\_immigrant\\_entrepreneurs.pdf](http://memp.pratt.duke.edu/downloads/americas_new_immigrant_entrepreneurs.pdf)

<sup>7</sup> U.S. Census 2000.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks*, Office of the Inspector General (June 2003)

<sup>11</sup> 8 CFR 264.1(f)(2).

to be deported and 35% of those in deportation proceedings were of Pakistani descent.<sup>12</sup> South Asian individuals continue to be impacted by special registration in many ways.

With this historical framework in place, we can draw some general observations about the impact of immigration policies on South Asians. We have been negatively affected by the lack of protections for workers suffering employer abuse; by anti-terrorism and national security laws that target individuals from certain nationalities and strip fundamental due process rights; and by the tremendous visa backlog that prevents community members from being reunited with their families or obtain permanent residency status.

We have also gained much from immigration laws that allow students to earn advanced degrees, professionals to begin their careers, entrepreneurs to open up small businesses, workers to start a new life in a new country, and victims of persecution to live lives without fear.

Yet, it is clear that the immigration system needs to be fixed and overhauled in many ways in order to ensure that current and future flows of immigrants can live productive, meaningful lives in America. In order for immigration reform to truly change the lives of immigrants and benefit our nation, we believe that the following policy changes should be implemented:

- Elimination of the employment and family-based visa backlogs and increase in the numbers of visas available under these categories;
- Facilitation of timely and full reunification of families, including parents, adult children and siblings;
- Creation of legal ways for people who want to contribute to our economy to come work in the U.S. and be on the path to permanent residency with full worker protections
- Provision of legal status and a path to permanent residence for undocumented immigrants;
- Eradication of the criminalization of immigrants and preserve due process rights; and
- Promotion of citizenship and civic participation

SAALT and South Asian organizations around the country with whom we work believe that immigration reform proposals must seek to meet the above principles.<sup>13</sup> Making tradeoffs to favor employment-based immigration over family-based immigration, for example, are ones that we cannot support. While we are hopeful that Congress will pass immigration reform soon, such reform cannot come at the expense of family-based immigration preferences or of underprivileged immigrants in America.

### **Elimination of the visa backlog and reunification of family members**

The family-based system is the cornerstone of South Asian immigration into the United States. In 2005, nearly 22,000 South Asians entered the United States through a family category and over 30,000 South Asians were sponsored and admitted as immediate relatives.<sup>14</sup> In 2005, over 3,000 family-based applications were filed by Bangladeshis; over 15,000 by Indians; and over 3,000

---

<sup>12</sup> “35% of deported from US are Pakistanis,” *Dawn* (July 29, 2003)

<sup>13</sup> South Asian Groups Address Immigration Reform ([www.saalt.org](http://www.saalt.org))

<sup>14</sup> *2005 Yearbook of Immigration Statistics*, Department of Homeland Security, Office of Immigration Statistics (November 2006).

by Pakistanis.<sup>15</sup> Specifically, in 2005, India ranked fourth among the countries from where people submitted family-sponsored green card applications.<sup>16</sup>

Unfortunately, many South Asians continue to wait extraordinarily long periods of time in order to be reunited with their family members. Some South Asians who are being sponsored by US citizen siblings currently have to wait nearly eleven years before obtaining green cards; others, especially green card holders, are waiting to be reunited with even spouses and children.<sup>17</sup> In fact, restrictions on family-based immigration impact newer immigrants even more harshly by imposing long separations from close family members including spouses and children; and by isolating residents in the US who cannot rely on family for support if they come upon hard times. Reasons for these delays include the visa backlog and insufficient numbers of visas for some family preference categories.

Moreover, while spouses and minor children of US citizens do not have to wait to be reunited with their sponsoring relative, the spouses and minor children of sponsoring relatives who are legal permanent residents often have to wait nearly five years before the application is processed.<sup>18</sup> More than 1 million spouses and minor children of legal permanent resident sponsors are currently awaiting reunification with their spouse or parent.<sup>19</sup> The separation from family members can take a harsh toll on immigrants, as demonstrated by the following stories.

*Masud Syed is an immigrant from Bangladesh who has had to leave behind his wife of four years in his home country. Although he is a lawful permanent resident in the United States, he has had to wait to bring his wife over. The only way he can see her is by making the trip back to Bangladesh. The last time he visited, he witnessed the birth of his son to return soon thereafter to Sunnyvale, California, where he resides.<sup>20</sup>*

*Karthik is a green card holder who lives in California. He is married but can only see his wife by making the expensive journey back to India every few months. He is required to do this because of the current visa backlog and the existing structure of the family-based preference system. Currently, the spouses of green card holders from India must wait 5 years before they obtain their own green cards. Karthik's wife would not be able to come to the United States even as a visitor because she would likely be unable to prove that she intended to stay in the U.S. temporarily, a requirement for tourist visas.<sup>21</sup>*

*Sumathi of Massachusetts is a young software engineer from Hyderabad who moved to the United States in 1999 on an H-1B visa and became a legal permanent resident. She fell in love with and married Jeevan in India in August 2002. Jeevan is a physician who is working on a project to eradicate polio in India for the World Health Organization. Sumathi applied to bring Jeevan over to America to join her. Although the application was submitted over 3 years ago, Jeevan is still in India, and it is likely to take two more years for the*

---

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> "Visa Bulletin", Department of State (June 2007).

<sup>18</sup> *Immigration Backlogs are Separating American Families*, National Immigration Forum (2007).

<sup>19</sup> *Immigration Processing Delays*. Catholic Legal Immigration Network, Inc.

<<http://www.cliniclegal.org/Advocacy/delays.html>>

<sup>20</sup> Truong Phuoc Khanh, "Marriages" *Knight Ridder Newspapers* (2005).

<sup>21</sup> Cicero A. Estrella, "Laws could help unite immigrant families," *San Francisco Chronicle* (December 12, 2005).

*application to be approved. In the meantime, Jeevan has not been able to enter the country and cannot even get a tourist visa to come see her<sup>22</sup>.*

The challenges of separation from loved ones are also acute for same-sex binational couples. Under current immigration law, same-sex couples – including those who have legally recognized unions and marriages – are prohibited from sponsoring each other as “spouses.” For example, a lawful permanent resident wishing to sponsor his/her partner living abroad is not allowed to do, even if the couple has been committed to each other for decades or have children together. As a result, many partners have little choice but to immigrate on temporary visas to see their loved ones. Due to the short-term nature of these visas, many opt to overstay their visa at the risk of deportation in order to stay with their family or have no choice but to be separated from loved ones.

*Ashwini, twenty-three and from India, was studying in Texas where she had met her U.S. partner Rachel, twenty-eight. She expressed her worry about the impact of current immigration laws that will have an impact on her relationship and her life in America when her student visa expires.<sup>23</sup>*

In spite of long delays and obstacles, South Asians rely upon the current family-based system in order to continue their lives with their loved ones in the United States. As the statistics and stories mentioned above illustrate, the family-based preference system is crucial to the vibrancy and growth of the South Asian population. Any proposal to eliminate or cap the preferences as they now stand will further divide South Asian families who have already waited for years. Recent proposals, such as the one in the Senate, that would eliminate certain family preference categories or impose a point system will widen the disparity that family members already face.

In addition, the new merit-based point system proposed under the new Senate proposal for green cards for all applications received after May 2005 will also create serious obstacles for the South Asian community. Applicants would compete for green cards and points awarded would heavily favor employment criteria. Other points would be awarded for speaking English, attaining higher education, and having family in the U.S. This system will create a second class of South Asians who are unable to move down the path to permanent residency due to economic and linguistic barriers. Contrary to popular perception, many within the South Asian community lack the English-speaking skills and high-skilled jobs needed in order to qualify for a green card.

We support provisions which would increase the availability of family visas by taking “immediate relatives” out of the visa cap (such as those within the STRIVE Act pending in the House of Representatives), as well as the Uniting American Families Act and the Child Citizen Protection Act which also contain provisions to promote family reunification.

---

<sup>22</sup>[http://www.boston.com/news/globe/editorial\\_opinion/oped/articles/2006/04/12/families\\_pay\\_price\\_of\\_faulty\\_policies/](http://www.boston.com/news/globe/editorial_opinion/oped/articles/2006/04/12/families_pay_price_of_faulty_policies/) (April 2006)

<sup>23</sup> *Family, Unvalued: Discrimination, Denial, and the Fate of Bi-national Same Sex Couples Under U.S. Law*, Immigration Equality and Human Rights Watch (2006).

**Creation of Legal Paths for Workers to Contribute to Our Economy and Be on Path to Permanent Residency**

Congress must ensure that all workers have access to fair wages and safe working conditions, while being able to change jobs and pursue legal permanent residency status through an employment-based system that is not backlogged and is easier to navigate. For the thousands of skilled and unskilled workers from South Asia, there must be legal paths to help individuals contribute to America's economy and to become permanent residents if they so choose.

Those who work in the high-skilled sector as well as those who fill low-skilled positions are often bound to restrictive jobs due to their immigration status, the potential for worker exploitation, and often the limited scope for obtaining permanent residency status. The terms of high-skilled worker visas sometimes limit the ability to transfer jobs and take advantage of professional opportunities, while low-skilled workers are often left at the mercy of their employer with little chance for advancement or permanent residency.

We are deeply concerned with the situations faced by those who enter the United States to fulfill low-skilled jobs. South Asians work in a variety of capacities, including as assembly-line workers for high-tech companies, domestic workers, restaurant workers and taxicab drivers. Since many are dependent upon their employers for their livelihoods, the possibility of exploitation is ever-present. Moreover, the potential for employment-based sponsorship hardly exists for low-skilled workers who face very few options in terms of transforming their temporary status into permanent status. Many South Asian workers have fallen out of status and are working in the shadows of American society in order to provide for their families.

Below are stories of South Asian workers who face obstacles and challenges daily:

*A Nepali domestic worker, who arrived in the U.S. in 1987, was overworked and underpaid for nearly thirteen years. She worked for a family in suburban New Jersey, the same family for whom she worked in Nepal after dropping out of school in the fifth grade. She was promised \$70 per month and often did not receive even those payments. She later moved to another home where she was in charge of domestic chores both inside and outside a 6-bedroom house – for no pay.<sup>24</sup>*

*The Signal Corporation, a corporation that does oil-drilling work on the Gulf Coast, brought 300 Indian nationals on temporary H-2B work visas from Dubai and Saudi Arabia to Mississippi and Texas to work as pipefitters and welders. After being told by the recruiter, Global Resources, to pay as much as \$20,000 - their life savings for some - for their visas, they were promised refunds, wages, and green cards once they arrived. However, once they got here, their wages were drastically cut, they had to pay daily labor camp fees, and they were forced to stay in overcrowded windowless trailers that lacked sufficient facilities. The workers in Mississippi began organizing to get their money back and protest their working conditions - but once discovered, the company began to retaliate against them. The company started terminating their jobs and sending them back to India. Armed security guards at the company even raided the barracks, imprisoned the fired workers in a room, and threatened them with deportation. Workers now are unable to return home due to debt and are unable to find new jobs due to visa restrictions.<sup>25</sup>*

---

<sup>24</sup> "Loeb & Loeb LLP Wins Case for Pro Bono Client in Trenton Federal Court" [www.loeb.com](http://www.loeb.com), (June 30, 2006).

<sup>25</sup> Francis C. Assissi, "300 H2B Indians enslaved in Mississippi", [www.indolink.com](http://www.indolink.com), (March 13, 2007). Available at <http://www.indolink.com/displayArticleS.php?id=031607101206>.

In addition, South Asian skilled workers on H-1B visas face unique challenges in the United States. The H-1B visa is a temporary visa given to foreigners who are employed in specialty occupations. In 2005, over 106,000 individuals from South Asia – predominantly from India – entered America on H-1B visas or as accompanying dependents.<sup>26</sup> Another method of coming into the United States is through the employment-based preference system, which was used by 55,839 South Asians in 2005.<sup>27</sup>

While these immigrants come here to improve their lives and contribute their skills to the U.S. economy, many feel hampered by restrictions imposed upon them through the immigration system. These difficulties are two-fold. First, the severe caps placed on these visas make it difficult for South Asians to come to the United States to fill jobs. In fact, in 2007, the annual cap for H-1B visas was filled within one day.<sup>28</sup>

Secondly, once they are here, it is almost impossible for H-1B workers to lead full lives due to long waits for green cards and the inability to change jobs and pursue professional opportunities. The caps on employment-based green cards limit the number of high-skilled workers who can become legal permanent residents. Since each country's nationals can comprise only 7 percent of total immigrant visas, the caps often lead to long delays and a visa backlog that keeps individuals in a limbo mode for years. In fact, according to Immigration Voice, an organization advocating for high-skilled workers, 1 in 5 Indians on employment-based visas have been waiting to obtain green cards. Their only recourse as they wait is to keep renewing their visas with their current employer.

The plight faced by many H-1B workers can be expressed through the following stories:

*Satyajit is a 39-year-old software engineer working for a large telecommunications company in New Jersey. He came to the U.S. from India two and a half years ago and has been working on his fourth H-1B visa. Satyajit expected to wait at least three more years before he hopes to have a green card. His wife, like many other spouses of high-tech workers, was sponsored on an H-4 visa which means that while she could stay here, she was not allowed to work.<sup>29</sup>*

SAALT has been monitoring various pieces of legislation that will impact temporary workers. For example, the temporary worker program outlined in the new Senate bill does not provide a path to allow high-skilled workers without degrees to pursue permanent lawful status. Moreover, while green cards are allocated annually for "essential" workers, it is unclear whether they can adjust to permanent status.

As it relates to high-skilled workers, the H-1B and L-1 Visa Fraud and Abuse Prevention Act will make it more difficult for individuals to obtain these visas. With respect to both skilled and unskilled workers, provisions in the STRIVE Act provide more straightforward solutions – including raising the cap on H-1B visas; exempting categories of high-skilled workers from employment-based visa caps; providing paths to citizenship for low-skilled workers; and affording immigrant workers a range of protections in the workplace, including the right to fair wages, permission to travel abroad, and the ability to change employers. We do not support provisions however that would favor changes for high-skilled workers at the expense of

---

<sup>26</sup> 2005 Yearbook of Immigration Statistics, Department of Homeland Security, Office of Immigration Statistics (November 2006).

<sup>27</sup> *Id.*

<sup>28</sup> "USCIS Reaches FY 2008 H-1B Cap" *US CIS Update* (April 3, 2007).

<sup>29</sup> Amitava Kumar, "Access Denied: The Plight of the Indian H-1B Workers of the United States," *LittleIndia.com*. (August 16, 1999)



unskilled workers – all workers should have equal opportunities, workplace rights, and the ability to become permanent residents and citizens if they so desire.

**Providing a path to legalization**

A growing number of South Asians reside in the United States without any legal status. In fact, Indians constitute the fourth largest and fastest growing undocumented population in the United States – from 120,000 to 280,000 (an increase of 133%) between 2000 and 2005.<sup>30</sup> Numerous South Asians from other countries are also residing in the United States without authorization and who wish to legalize their status.

The quest for legal immigrant status in the United States becomes all the more urgent for survivors of domestic violence. Often entering the United States through a spouse's sponsorship, many South Asian women are dependent upon their partner for immigration status and are threatened with loss of status or deportation if they report abuse. South Asian women's rights organizations with whom SAALT works emphasize the importance of including provisions that assist women who are trafficked into the country or trapped in abusive marriages. While self-petitioning under the Violence Against Women Act provisions is a resource for many women whose spouses are citizens or green card holders, South Asian women's organizations point out that those domestic violence survivors with dependent visas (such as H-4b or F-2 visas) or who are undocumented need different options. Women on dependent visas or who are undocumented have limited choices, as they are not allowed to work either. Moreover, the arduous process for securing U-visas available to victims of trafficking and abuse can bring about difficult choices as well for South Asian immigrant women.

Moreover, undocumented South Asian students will benefit from legislation such as the Development, Relief, Education for Alien Minors (DREAM) Act, which will permit undocumented students to obtain in-state tuition rates for higher education and opportunity to ultimately legalize their status.

While creating a path to legalization is an important principle to achieve, the methods proposed in legislation such as the new Senate proposal will keep it out reach for many South Asians. These legalization provisions require currently undocumented workers to register for a temporary work permit, pay thousands of dollars, and travel to their home countries and reapply for entry. The exorbitant fees and the requirement to return home will make the program unworkable for many undocumented immigrants.

While the STRIVE Act's approach is more feasible as a starting point, the proposed program to establish a path to legal status and citizenship for undocumented immigrants, unless improved, will create serious problems for South Asians seeking to legalize. Of particular concern are the fees that must be paid, the potential for serious and unwarranted delays due to background checks, and the impracticability of the touch-back provision. Legalization schemes must be both workable and humane in order to address the needs of America's 12 million undocumented immigrants.

---

<sup>30</sup> *Estimate of Unauthorized Immigration Population, January 2005*, DHS Office of Immigration Statistics (August 2006).

**Eradicating the criminalization of immigrants and preserving basic rights**

Following September 11, numerous initiatives were put into place that targeted certain nationalities, including South Asians. Arbitrary detentions and deportations, special registration, and voluntary interrogations of immigrants from certain countries have taken a tremendous toll on South Asian families – leading to separation from family members to the deprivation of basic rights of due process, open hearings, and access to counsel. It is important that immigration changes take into account the fallout and impact of policies unfairly implemented after 9/11.

Moreover, many South Asians have been experiencing unexplained security-related delays and FBI background checks in their green card and naturalization applications.<sup>31</sup> Despite having properly filed for these benefits and demonstrating their eligibility, many are now being told either upon entry to the United States or via written correspondence that their application is being retained for further investigation. These delays seem to be having a disproportionate impact on those from certain countries or with “Muslim-sounding” names.

This is the case of Yousuf who immigrated from Pakistan 17 years ago and passed the citizenship exam in 2002 – yet he is still waiting to have his naturalization application approved. Federal law requires that the government adjudicate the application within 120 days of passing the exam. Since 9/11, Muslim immigrants have experienced unexplained and lengthy delays in the processing of their immigration applications.<sup>32</sup>

Finally, proposals calling for local and state law enforcement agencies to carry out immigration law have induced a climate of fear among many immigrants, including South Asians. As a result of these initiatives, many South Asians fear turning to the police when they witness or are a victim of a crime. Individuals who even make routine visits to government service providers are afraid that they can no longer access services and benefits due to fear that they may be questioned about their immigration status. Moreover, local law enforcement of immigration laws is not an effective tool – it diverts valuable resources away from local police to fight crime, with the ultimate impact of undermining public safety.

*In November 2004, a Bangladeshi mother of two U.S. born children went to her local Department of Motor Vehicles to respond to a letter regarding her driver's license. Three days later, she was arrested at her home by immigration agents, taken to an immigration detention center, and deported for having an outstanding deportation order against her.. She was forced to leave behind her husband and take her U.S. citizen children with her back to Bangladesh. She believes that the DMV may have alerted immigration officials as to her whereabouts.*<sup>33</sup>

*Terwinder, a Sikh mother of two American-born children, was deported from Brown Deer, Wisconsin after police found out she was living in the United States illegally. Police officers were assisting her with a flat tire on November 4, 2004, when they found out she had an outstanding deportation order and immediately arrested her. Terwinder lived in the United States for 12 years before she was deported along with her two children who have not lived in India before.*<sup>34</sup>

---

<sup>31</sup> *Americans on Hold: Profiling, Citizenship, and the War on Terror*, Center for Human Rights and Global Justice, New York University School of Law (April 2007).

<sup>32</sup> Peter Prengaman, “Immigrants sue over citizenship delays”, *Associated Press* (August 2, 2006).

<sup>33</sup> Story provided by Desis Rising Up and Moving (DRUM), Jackson Heights, NY

<sup>34</sup> “Current immigration reform debate could have long-lasting impact on tens of thousands of Sikhs” *Los Angeles Times* (May 16, 2006).

Current immigration proposals do not respect due process rights of immigrants and may increase local law enforcement of immigration laws. Serious due process concerns exist for example with the new Senate proposal, with the expansion of immigrant detention, stiffening of the definitions of "aggravated felony" and "fraud" and provisions relating to the reimbursement by the federal government to state and local law enforcement that assist in the carrying out of immigration laws. The STRIVE Act also includes harmful provisions; it authorizes DHS to award grants to state and local law enforcement agencies that provide border-related assistance and reaffirms the ability of such agencies to enforce criminal provisions of immigration law. It also increases the number of immigration detention facilities and enforcement agents.

#### **CONCLUSION**

Given the significant stake that the South Asian community has in the passage of fair and humane comprehensive immigration reform, organizations and individual members have been closely monitoring the various pieces of legislation currently pending in both the House and the Senate.

In particular, we have reservations as raised above about the *Security Through Regularized Immigration and a Vibrant Economy (STRIVE) Act* of 2007/H.R. 1645), the recently brokered Senate deal on immigration reform (*Secure Borders, Economic Opportunity and Immigration Reform Act of 2007/S. 1348*), and *The H-1B and L-1 Visa Fraud and Abuse Prevention Act of 2007* (S. 1035). More promising immigration legislation that has also been introduced include the *Citizenship Promotion Act of 2007* (H.R. 1379/S. 795), the *Child Citizen Protection Act* (CCPA/H.R. 1176) and the *Uniting American Families Act of 2007* (UAFSA/H.R. 2221/S. 1328).

SAALT and our partner organizations intend to continue to monitor immigration reform proposals, educate our community members and the public, and work in coalition with allies. We thank the Subcommittee for affording SAALT the opportunity to testify about some of the emerging concerns that South Asians have with the immigration system in America, and recommendations for improvement that will have a positive impact on all immigrants and citizens in America.