

**IMMIGRATION REFORM AND THE SOUTH ASIAN COMMUNITY:**  
**MYTHS AND REALITIES**  
**(SEPTEMBER 2007)**

SAALT has produced this community education document to dispel common myths about the impact of the immigration system on South Asians. This document also provides stories collected from press articles and through SAALT's Documentation Project that illustrate the challenges and obstacles faced by South Asian workers, women, youth, and families. For more information about SAALT's work, please contact us at [saalt@saalt.org](mailto:saalt@saalt.org) and visit [www.saalt.org](http://www.saalt.org).

**MYTH: IMMIGRATION POLICY IS NOT AN IMPORTANT ISSUE FOR SOUTH ASIANS.**

**REALITY: South Asians are predominantly foreign-born and have a range of immigration statuses,** which means that immigration policy affects all South Asians. For example, immigration policy can determine where an H-1B employee can work; how long a relative must wait before coming to the United States; and the terms and conditions of working in the U.S without legal immigration status.

South Asians have historically been negatively affected by immigration quotas and citizenship restrictions. More recently, our community has been affected by the lack of protections for immigrant workers suffering employer abuse; the tremendous visa backlog that prevents community members from being reunited with their families or obtain permanent residency status; restrictions on many employment-based visa holders from changing jobs; and anti-terrorism and national security laws that target individuals from certain nationalities and strip fundamental due process rights.

**Immigration reform legislation** can address many of these problems, if it includes the following principles:

- Clearing the family and employment visa backlogs
- Ensuring worker protections
- Eradicating the criminalization of immigrants
- Providing a path to permanent residency for all current and future immigrants in this country.

**PERSONAL ACCOUNTS:** Sumathi is a software engineer from India who moved to the U.S. in 1999 on an H-1B visa and eventually got her green card. She later married and immediately filed to bring her husband over from India. Due to immigration restrictions, her husband had to wait at least two more years to join her and is not allowed to even visit her. A change in immigration laws could benefit Sumathi, her husband and people like them. *The Boston Globe*, April 12, 2006.

A Nepali domestic worker in New Jersey was overworked and underpaid for nearly thirteen years. She was promised \$70/month but often did not receive even those payments. She later moved to another home where she was responsible for cleaning a 6-bedroom house – for no pay. Through a lawsuit, she was able to receive reparations for her labor and services. Immigration law must be changed to ensure that workers receive adequate protections in the workplace and have the ability to seek recourse if they face exploitation. [www.loeb.com/news](http://www.loeb.com/news), June 30, 2006.

**MYTH: THERE ARE NO UNDOCUMENTED IMMIGRANTS FROM SOUTH ASIA IN THE U.S.**

**REALITY:** Of the estimated 12 million undocumented immigrants in this country, over 1.5 million come from Asia.<sup>1</sup> **From India alone**, the number of undocumented immigrants ranges from 270,000 (according to the Department of Homeland Security<sup>2</sup>) to 400,000 (according to the Pew Hispanic Center). The Department of Homeland Security (DHS) reports that the 270,000 immigrants from India rank sixth in the total number of undocumented in this country for 2006 (behind Mexico, El Salvador, Guatemala, the Philippines, and Honduras), and account for 2% of the entire undocumented population.<sup>3</sup> In fact, between 2000 and 2006, immigrants from India represented the highest percentage of growth of undocumented immigrants (at 125%).<sup>4</sup>

Undocumented immigrants - those without immigration status - may include:

- Individuals who entered without papers because they lack the resources to enter lawfully;
- Individuals who arrived with visas but then subsequently lost their status through overstays or problems with the immigration system;
- Individuals on dependent visas who are seeking to escape abusive situations and leave their partners;
- Individuals who have been trafficked to the United States;
- Individuals on work visas who suffer workplace exploitation and leave their jobs;
- H-1B employees who have lost their jobs; or
- International students who reduced their course load beyond approved levels.

Providing a path towards legalization - one of the cornerstones of immigration reform - would help ensure stability in the lives of undocumented immigrants of South Asian descent.

**PERSONAL ACCOUNTS:** Mr. Singh, an undocumented immigrant, worked as a cab driver in New York City. In September 2001, as Mr. Singh was routinely stopped at a traffic light, he felt a bullet fly past his ear. Shocked, he pulled over and his passenger ran out of his cab. Later, Mr. Singh filed a police report but the officer did not take him seriously. Mr. Singh felt that he could not pursue the man who shot at him because, as an undocumented immigrant, he runs the risk of his status being discovered by the police. The ability to report hate crimes or receive benefits such as health care and social services can be hampered if undocumented immigrants live in fear of being discovered. *Los Angeles Times*, May 16, 2006.

Madeeha is a 20-year-old woman from Pakistan who lives in Alexandria, Virginia. She was diagnosed with cardiomyopathy with her only chance of survival being a heart transplant. Due to her undocumented immigration status and lack of medical insurance, however, she was denied placement on the list of transplant candidates. *The Saturday Post.com*, July 1-7, 2006.

<sup>1</sup> "Unauthorized Migrants: Numbers and Characteristics." Pew Hispanic Center, Jeffrey S. Passel, 2005. Available at <http://pewhispanic.org/files/reports/46.pdf>.

<sup>2</sup> See "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2006" Department of Homeland Security, Office of Immigration Statistics, August 2007. Available at [http://www.dhs.gov/xlibrary/assets/statistics/publications/ill\\_pe\\_2006.pdf](http://www.dhs.gov/xlibrary/assets/statistics/publications/ill_pe_2006.pdf). No information is provided about the undocumented population from other regions in South Asia.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

**MYTH: LEGAL IMMIGRANTS ENCOUNTER FEW PROBLEMS WITH THE CURRENT IMMIGRATION SYSTEM.**

**PERSONAL ACCOUNTS:** Masud 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 only to return alone soon thereafter to Sunnyvale, California, where he resides. *Knight-Ridder Newspapers*, 2005.

**A married couple originally from Pakistan, Aamir\* and Sumaira\* came to the U.S. and filed for green cards and work authorization in early 2006. After waiting over a year while their applications were pending, Aamir stopped receiving his work authorization and was told by the government that, for “undisclosed reasons,” he could no longer work. Ultimately, and only after a U.S. Senator intervened, the government informed the family that their petitions would be delayed due to background checks. As of September 2007, Aamir’s work authorization was finally granted but his green card application still remains pending. SAALT’s *Documentation Project*, May 2007.**

**REALITY:** Many South Asians have been fortunate enough to enter the U.S. through legal channels – including employment-based and family-sponsored visas. For example, in 2005:

- Nearly 22,000 South Asians entered the country through a family category<sup>5</sup>
- Over 30,000 were sponsored and admitted as immediate relatives of individuals residing in the U.S.<sup>6</sup>
- Over 106,000 individuals from South Asia entered the U.S. on H-1B visas<sup>7</sup> or as accompanying dependents<sup>8</sup>
- Over 55,000 South Asians used the employment-based preference system<sup>9</sup>

However, despite their status, even legal immigrants from South Asia face difficulties with the current immigration system. Many wait extraordinarily long periods of time in order to be reunited with family members – some South Asians sponsored by U.S. citizen siblings wait nearly eleven years, and many green card holders wait at least five years to be reunited with spouses and children.<sup>10</sup> Such restrictions affect newer immigrants even more harshly by isolating them from a family support network needed in a different country.

South Asian skilled workers on H-1B visas also face unique challenges resulting from restrictions on their status. Severe visa caps make it difficult for South Asians to come and fill jobs. In fact, in 2007, the annual cap for H-1B visas was filled within one day.<sup>11</sup> Moreover, once H-1B workers are here, they must endure long waits for green cards because of annual per-country caps and are unable to change jobs or get promoted, effectively stunting their professional growth.

Spouses and dependents of H-1B workers who enter the U.S. as H-4 visaholders also suffer from immigration restrictions.

Under the terms of their visas, these spouses are unable to work, gain public benefits, or get a social security number; in some states, it is difficult to even get a driver’s license without the spouse’s consent. Many are unable to progress in their careers and be self-sufficient as they wait for their green cards. For some trapped in abusive marriages, their stay in the U.S. becomes even more challenging as their immigration status requires cooperation from their abusive spouse – forcing them to choose between remaining in a violent marriage or losing their immigration status.

<sup>5</sup> 2005 Yearbook of Immigration Statistics, Department of Homeland Security, Office of Immigration Statistics, November 2006.

<sup>6</sup> *Id.*

<sup>7</sup> The H-1B visa is a temporary status granted to foreigners employed in specialty occupations. Individuals who enter the U.S. on H-1B visas are able to ultimately adjust their status to green-card holders.

<sup>8</sup> 2005 Yearbook of Immigration Statistics, Department of Homeland Security, November 2006.

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

<sup>10</sup> “Visa Bulletin”, Department of State, June 2007.

<sup>11</sup> “USCIS Reaches FY 2008 H-1B Cap” *US CIS Update*, April 3, 2007.

Moreover, many South Asians have been experiencing unexplained security-related delays and FBI background checks in their green card and naturalization applications.<sup>12</sup> Despite having properly filed for these benefits and demonstrating eligibility, many have been informed that their applications are being retained for further investigation. According to the U.S. Citizenship and Immigration Service (USCIS) Ombudsman, FBI background checks were an issue in over fifteen percent of all written case problems received and, as of May 2006, USCIS reported over 235,000 name checks pending, with approximately 65% pending more than 90 days and 35% pending more than one year.<sup>13</sup> According to a recent report by the Center for Human Rights and Global Justice, such delays in naturalization have not only prevented individuals becoming citizens, but also subjected South Asians to additional screening when traveling to and from their countries of origin.<sup>14</sup> Delays in processing these applications are unjustly denying many South Asians the right to many immigration benefits they are eligible for.

**MYTH: I AM AN IMMIGRANT WHO OBEYED THE LAW AND WAITED FOR YEARS TO COME HERE. WHY SHOULD THOSE WHO BROKE THE LAW BE ALLOWED TO CUT IN LINE AND GET AMNESTY?**

**REALITY:** There are two myths in the above statement. **First**, many proposed legislative measures do not set forth an amnesty; rather they call for a form of legalization with various stringent requirements that must first be met. Permanent resident status and citizenship are not granted automatically – rather, they are privileges acquired over time. Under some of the proposed bills that have been considered by Congress, certain undocumented immigrants can eventually become citizens only after they pay fines and back-taxes, learn English and establish they have been here for a requisite number of years. Moreover, undocumented immigrants cannot obtain legal permanent residency until after the existing backlogs for immigrant visas are cleared.

**Second**, it is important to keep in mind that there are trends in place in our country today that contribute to undocumented immigration and worker exploitation: there is both a high demand for cheap labor, as well as an immigration system that does not provide enough visas for lower-skilled workers. **Many immigrants come to the United States through unauthorized channels to meet the demand for labor, but they are unable to avail themselves of visas that support their entry into the country.**

While some within our community are able to migrate legally, it is often because they benefit from a certain degree of privilege – be it family members established here or an employer in the United States willing to sponsor. Not all South Asian immigrants are fortunate enough to have such ties. We must eliminate the hierarchy of “suitable immigrants” that the current immigration system imposes in America.

**PERSONAL ACCOUNTS:** Terwinder, a Sikh mother of two American-born children came to the U.S. legally but fell out of status after overstaying her visa. She lived in the U.S. for 12 years with her family, running a small business with her husband. Police officers were assisting her with a flat tire in her home state of Wisconsin when they found that she had an outstanding deportation order and immediately arrested and deported her. *Los Angeles Times*, May 16, 2006

<sup>12</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>13</sup> *Citizenship and Immigration Services Ombudsman, Annual Report 2006*, United States Citizenship and Immigration Services, 2006.

<sup>14</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.

## **PERSONAL ACCOUNTS: SOUTH ASIANS AFFECTED BY THE BROKEN IMMIGRATION SYSTEM**

*Below are some more stories gathered from press articles and SAALT's Documentation Project of South Asians who would benefit from comprehensive immigration reform. These stories are categorized along the four core principles of comprehensive immigration reform: clearing the visa backlog and expediting background check delays; worker protections; eradication of criminalization of immigrants; and a path to permanent residency for all current and future immigrants.*

### ***Clearing the visa backlog and expediting background check delays***

**Satyajit, a software engineer from New Jersey**, works for a large telecommunications company. He came to the U.S. from India several years ago, and has been working on his fourth H-1B visa. He was a manager with several years of experience with two Tata companies in India. He moved to the States with his wife and his son. Satyajit has been waiting two or three years before he hopes he will have a green card. His wife, Debjani, like many other spouses of high-tech workers, is sponsored by the H-4 visa, which means that while she can stay here, she cannot work.<sup>15</sup>

**Sumathi of Massachusetts is a young software engineer** from Hyderabad who moved to the United States in 1999 on an H-1B visa had become a legal permanent resident (or "green card holder"). She fell in love with and married Jeevan in India in August 2002. Jeevan is a physician working on a project to eradicate polio in India for the World Health Organization. When the time came for Sumathi to return to the United States, she was reluctant and did not want to leave her newly wed husband but upon her arrival to the U.S. she immediately applied to have Jeevan to come to the U.S. Although the application was submitted over 3 years ago, as of April 2006, Jeevan was still in India, and it will likely take two more years for her 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>16</sup>

**Suma of Minnesota is among the 1.5 million green card holders** who are being forced to live away from their nuclear families. She is raising her 2-year-old son as a single mother because immigration laws currently restrict her from bringing her husband over from abroad. The law is currently structured in a way that states that current green card holders have to wait five years or more before they can be reunited with their spouses and children living overseas. The current immigration law diminishes the importance of family values.<sup>17</sup>

**Masud 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 only to return alone soon thereafter to Sunnyvale, California, where he resides.<sup>18</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

<sup>15</sup> "Access denied: The plight of the Indian H-1B workers of the United States" *LittleIndia.com*, Amitava Kumar.

<sup>16</sup> "Families pay price of faulty policies" *The Boston Globe*, Jeff Jacoby, April 12, 2006.

<sup>17</sup> "Green card holders from India anxiously watch immigration debate" *India-West*, Viji Sundaram, May 19, 2006.

<sup>18</sup> "Marriages" *Knight Ridder Newspapers*, Truong Phuoc Khanh, 2005.

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>19</sup>

**Sridhar, a doctor from India, has been waiting eight years** for his green card. He came to the United States in 1999 to practice medicine and worked with low-income and uninsured patients in Michigan. After fulfilling a five-year requirement of working with underserved populations, he applied for his green card two years ago and is still waiting.<sup>20</sup>

**Yousuf 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 and Middle Eastern immigrants have experienced unexplained and lengthy delays in the processing of their immigration applications. Yousuf, along with nine other Asian and Middle Eastern immigrants, filed a lawsuit against the U.S. Citizenship and Immigration Service.<sup>21</sup>

**A married couple originally from Pakistan, Aamir\* and Sumaira\*** came to the United States and filed for green cards and work authorization in early 2006. Aamir is a dentist and oral surgeon by profession. After waiting over a year while their applications were pending, Aamir stopped receiving his work authorization and was told by the government that, for “undisclosed reasons”, he could no longer work. Ultimately, only after their U.S. Senator intervened, the government informed the family that their petitions would be delayed due to background checks. Eager to continue his training in dentistry and pursue work to support his family, his plans were halted due to lengthy security checks. As of September 2007, his work authorization was finally granted but his green card application remains pending for almost two years.<sup>22</sup>

**Despite passing his naturalization exam in 2002, a Pakistani national** was informed by the government that his citizenship oath would be delayed until background checks were completed on his application. Four years later, he was still waiting. He has no family in the United States and is unable to sponsor his siblings and elderly and ailing parents in Pakistan until he is granted citizenship. He frequently encounters problems when traveling, stating “I have traveled to Pakistan twice since applying for naturalization, in 2003 and 2005, and I was stopped for interrogation at the airport both times when returning to the U.S. and was questioned about how long I had stayed in Pakistan. Each time I was held for two hours at the airport.”<sup>23</sup>

**A naturalization applicant from Pakistan** came to the United States in 1999 and applied for citizenship in 2003. While two of his sons and his wife were naturalized within eight months, his own application was pending for two years. He then passed the citizenship exam, but still has not been called to take the citizenship oath due to security checks. He has two sons still in Pakistan waiting to be sponsored until their father’s citizenship is approved.<sup>24</sup>

### ***Addressing immigration barriers faced by women and domestic violence survivors***

**Rubina\*, originally from Bangladesh,** came to the United States with her husband. However, after settling into her new country, she learned that her husband was openly having an affair. Further compounding her distress, restrictions imposed by her visa prevented her from obtaining work and being self-sufficient.<sup>25</sup>

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<sup>19</sup> “Laws could help unite immigrant families”, *San Francisco Chronicle*, Cicero A. Estrella, December 12, 2005.

<sup>20</sup> “Skilled immigrants in U.S. rally against visa delays”, *Sify Business*, September 19, 2007.

<sup>21</sup> “Immigrants sue over citizenship delays” *Associated Press*, Peter Prengaman, August 2, 2006.

<sup>22</sup> Story collected through SAALT’s Documentation Project.

<sup>23</sup> *Americans on Hold: Profiling, Citizenship, and the “War on Terror”*, New York University Law School, Center for Human Rights and Global Justice, April 2007.

<sup>24</sup> *Id.*

<sup>25</sup> “U.S. Asians domestic abuse woes”, *BBC News*, Chhavi Dubish, May 12, 2004.

**Ritu, a doctor, came to the New York** on an H-4 visa to join her husband who is a software engineer. However, she has been abused by her husband, his mother, and his brother. Her husband's family does not allow her to leave their one-bedroom apartment alone. Unable to work because of her visa, she has to beg for money from her husband to buy medicines for her infant son.

**Soon after receiving a degree in English, Ayesha** came to the U.S. from Gujarat on an H-4 visa through her husband, a hardware engineer. She then discovered that her husband had been unfaithful for over two years and continued to stay at his girlfriend's apartment. Her husband tells her she can only stay in his house if she cleans and provides him with sex, which is often painful and violent. She is afraid to leave her husband as that could leave her undocumented.<sup>26</sup>

**A law student in India,** Yamini left Delhi and came to the United States on an H-4 visa to join her husband, Yogesh. Unfortunately, she suffered an abusive marriage where her husband would beat her and their son. He severely restricted her finances and would even leave her no money for food when he went on business trips. One winter in the Northeast, he did not pay their house's utilities and she suffered in the cold with nowhere to go. She is forced to return to India because of the abuse she has suffered.<sup>27</sup>

**Mona\* is an Indian woman on an H-4 visa** who used to have a career in India but now must ask her husband for money every time she needs it. Despite having a bachelors' degree in electrical engineering and working in software testing in Bangalore, she is unable to earn her own money due to her current immigration status.<sup>28</sup>

**Hanuma managed an accounting firm in India,** but ever since she arrived to Virginia on an H-4 visa with her husband, she spends her days sitting idly at home because she is not allowed to work. Spouses such as Hanuma feel frustrated, isolated without being able to pursue jobs and relegated to asking their H-1B partners for any money.<sup>29</sup>

### ***Ensuring worker protections***

**Jagtar came from Talwandi Sabo** in the Bathinda district of Punjab in the 1980s and now works as a night cashier at a gas station in Baltimore City. He shares a room with five others, some legal and others undocumented. Others like him, who are not able to get any housing, rotate between the four gurdwaras in Baltimore. Without proper immigration status, employers and landlords take advantage of new immigrants like Jagtar.<sup>30</sup>

**Ashiq was brought to the United States** in 1998 on a special visa issued to domestic workers of international diplomats. Ashiq worked approximately 105 hours per week with no days off and was paid \$20 per month. He was told that his wife and child would be able to join him in New York but only after two years. He endured verbal and physical abuse from his employer. Domestic workers are frequently mistreated because they work under isolated conditions where there is little enforcement of the laws protecting the rights of workers.<sup>31</sup>

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<sup>26</sup> "Trapped, on a 'H-4'" *The Hindu*, Shivali Shah, November 28, 2004.

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

<sup>28</sup> "Involuntary housewife status: The H-4 visa" *Immigration Daily*, Shivali Shah.

<sup>29</sup> "Immigrant wives' visa status keeps them out of workplace" *Washington Post*, S. Mitra Kalita, October 3, 2005.

<sup>30</sup> "No roof, no roots, no rights: The search for a roof over one's head can become a journey into a waking nightmare" *LittleIndia.com*, Lavina Melwani.

<sup>31</sup> "Domestic worker demands justice from former employer" *Andolan* Press Release, October 28, 2002.

**Carmine has been a household worker for** 37 years in India. When she was eight, her parents sent her to a larger town to get more money doing household work. Every two years she would go back home to her native village in Karnataka, India, for a week. She later married but suffered a harsh married life where she was abused. She escaped to the U.S. to work for an Indian couple living in New Jersey who wanted a live-in nanny and housekeeper. Unfortunately, she fared no better here, as she lived and worked under extremely exploitive conditions.<sup>32</sup>

**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 as a child in Nepal after dropping out of school in the fifth grade. She was promised \$70/month but often did not receive those payments. She later moved to another home where she was in charge of domestic chores both inside and outside a six-bedroom house – for no pay. Recently, through a lawsuit, she was able to receive reparations for her labor and services.<sup>33</sup>

**In Tulsa, Oklahoma, the John Pickle Company, Inc.,** an oil industry parts manufacturer, was charged for imprisoning, abusing, and exploiting skilled laborers recruited from India. The Indian-born high-tech welders, fitters, electricians, engineers, and cooks, were promised legitimate wages and appropriate working conditions but when they arrived in the U.S., they were only paid between \$1.00 and \$3.17 per hour (compared to the \$14.00 per hour for non-Indian employees for the same skilled work). In addition to the low wages, the workers were crammed into a warehouse “dormitory.” The Equal Employment Opportunity Commission (EEOC) ordered the company to pay \$1.24 million to the 52 foreign workers that were abused, intimidated, and exploited.<sup>34</sup>

**An undocumented domestic worker from India,** Sheela, was physically and sexually abused by her employer, a Kuwaiti diplomat. After being recruited in Kuwait and promised \$500 per week, her employer locked her in his apartment, withheld her passport, paid her 50 cents an hour, and raped her. Because she had neither immigration status nor access to her passport, she was afraid to seek help. She ultimately fled the apartment penniless, sought refuge at a temple, and sued her employers. Yet it was still difficult for her to see her family due to her lack of status.<sup>35</sup>

**Harpreet, originally from Punjab, India, is a seasonal agricultural laborer** in Northern California. Her husband no longer works since seriously injuring his foot when it was stuck under an irrigation pipe and much of his leg’s skin was ripped off. Harpreet works over 10 hours a day without overtime pay. The family has barely been surviving on Harpreet’s pay, unemployment checks, and disability income. In Northern California, thousands of Punjabi farmers are employed as agricultural laborers enduring dangerous working conditions, insufficient pay, and minimal access to health care. Often employed by Indian farm-owners, many of the laborers have been denied adequate protection when working with harmful pesticides. Although they represent fifteen percent of the labor force in Yuba and Sutter counties, little services are provided to them from state workers’ protection agencies as they lack Punjabi-speaking outreach workers.<sup>36</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 - life savings for some - for their visas, they were promised refunds, wages, and green cards once they arrived. However, once they got to the U.S., their wages were drastically cut, they had to pay daily labor camp fees,

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<sup>32</sup> “Women raise the city breaking their silence: Profiles of a hidden workforce” *The Village Voice*, Chisun Lee, April 3-9, 2002.

<sup>33</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>34</sup> “Judge orders John Pickle Co. to pay \$1.14 million to 52 foreign workers in ‘human trafficking’ case: EEOC said skilled laborers recruited from India were imprisoned, exploited and abused” [www.eeoc.gov](http://www.eeoc.gov), May 26, 2006.

<sup>35</sup> “Domestic worker challenges diplomatic immunity” *WeNews*, Asjlynn Loder, May 23, 2004.

<sup>36</sup> “Cultural isolation a health threat to Punjabi farm workers” *India West*, Ketaki Gokhale, June 14, 2007.

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>37</sup>

### ***Eradicating the criminalization of immigrants***

**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. She owned a home with her husband, Ram, paid taxes, and ran a small business. Her two children have been in Punjab since December 20, 2004, when federal immigration officials ordered her deportation. Without changes in the immigration law, families will always be under threat of separation.<sup>38</sup>

**An Indian professional came to the United States** legally in 1998 to work for a firm in New York but was soon diagnosed with lymphoma and took unpaid medical leave soon after starting work. Because his employer no longer sponsored him, his visa was not valid. The Department of Homeland Security then discovered his defunct visa, detained him and initiated removal proceedings. Now, nearly six months later, he remains incarcerated and without proper access to medical and psychiatric care he has become more fragile and fears his lymphoma will relapse.<sup>39</sup>

**Harpal, a Sikh man chose to be deported back to India**, where he had been tortured, rather than languish in limbo in immigration detention. When he arrived to the U.S., he settled in the Bay Area, began working as a truck driver and applied for asylum. He was later arrested by U.S. government and immigration officials. After being detained for more than eight years in California, much of it in solitary confinement, and tired of waiting for his Convention against Torture claim to be resolved in the courts, he decided to return to a country where officials had previously mistreated him severely.<sup>40</sup>

**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 soon put on a plane back to Bangladesh. She was arrested because she had an outstanding deportation order, but was forced to leave behind her husband and take her U.S. citizen children with her. She believes that the DMV alerted immigration officials as to her whereabouts, although they deny it. She had initially come to this country in order to flee persecution for her activities in pro-democracy movements in Bangladesh.<sup>41</sup>

**Originally from Pakistan, Ahmed\* is a legally blind elderly gentleman** who now resides in Brooklyn. He came to United States to seek medical treatment for his blindness and has been living here for the past ten years. He subsequently overstayed his visa and became undocumented. During winter 2003, he learned of special registration – a post-9/11 government program requiring individuals from various countries (including Pakistan and Bangladesh) to register with the government – and was encouraged to register as a way to legalize his status. Subsequently, Ahmed appeared for special registration and was detained by immigration

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<sup>37</sup> "300 H-2B Indians enslaved in Mississippi", *IndoLink*, Francis C. Assissi, March 13, 2007.

<sup>38</sup> "Current immigration reform debate could have long-lasting impact on tens of thousands of Sikhs" *Los Angeles Times*, compiled by the Sikh Coalition, May 16, 2006.

<sup>39</sup> "Congress must fix inhumane detention system" *New American Media*, Elizabeth McGrail, June 22, 2006.

<sup>40</sup> "After years in limbo more immigrant detainees choose 'voluntary' deportation" *New American Media*, Camille T. Taiara, August 7, 2006.

<sup>41</sup> Story collected from Desis Rising Up and Moving (DRUM), Jackson Heights, NY.

officials. During his 18-hour detention, he was detained in a highly air-conditioned room and told to remove his winter clothing. Lacking immigration status and any identification because the government took his passport, Ahmed has been unable to obtain necessary medical treatment for his eyes. Following his detention, he was placed in removal proceedings.<sup>42</sup>

**Monisha, originally from Pakistan, is an honors graduate** from UC Berkeley who came from Mumbai to Texas to seek asylum with her parents and brother when she was ten years old. While in India, her father was very involved in the local Muslim community – as a result of his activities, their family became the target of Hindu fundamentalist groups. While they were denied asylum because attorneys failed to meet necessary filing deadlines, they received a stay of deportation and were granted work authorization. However, in June 2007, immigration authorities arrested her parents and brother and have them in removal proceedings – despite the fact that they went through legal channels to remain in safety in the United States.<sup>43</sup>

### ***Providing a path to permanent residency for all current and future immigrants***

**Madeeha is a 20-year-old woman from Pakistan** who was diagnosed with cardiomyopathy and the only cure is a heart transplant. But due to her undocumented immigration status and lack of medical insurance she is being denied placement on the list of transplant candidates.<sup>44</sup>

**Mr. Singh, an undocumented immigrant, works** as a cab driver in New York City. On September 30, 2001 Mr. Singh was driving his cab and stopped at a traffic light on 57<sup>th</sup> Street, when his passenger asked him a question. As he turned his head to answer, he felt a bullet fly past his ear. Shocked, he pulled over and his passenger ran out of his cab. Later he filed a police report, but the officer did not take him seriously. Sadly, he could not pursue the man who shot at him further because as an undocumented immigrant, he runs the risk of his status being discovered by the police. Being able to fight hate crimes in the United States is suffering as a result of the immigration status and its inability to give people a path to citizenship.<sup>45</sup>

**Rita\*, an Indian national, came to the United States legally** with her parents as a child. Unable to find an employer to sponsor them for a job, her parents left the country. Rita, however, remained on a student visa to study astrophysics. While in graduate school, she became aware of the acute shortage of teachers and obtained an H-1 visa to teach at an inner-city school. After some time, she moved to another school district and her new employer promised to transfer her visa, but failed to follow through, verbally abused her, and paid her less than promised. Despite these conditions, Rita could not resign, due to her pending visa status. Two years later, Rita was suddenly informed that her H-1 visa status had been terminated because of her new employer's failure to comply with immigration law. Rita was now suddenly unemployed and out of status, through no fault of her own. Fearful of being deported, she must keep a low profile at all times.<sup>46</sup>

**A married couple arriving in the United States over a decade ago** on a tourist visa, Ravinder and her husband came to Houston. They stayed in Texas after their visas expired because they found jobs, which made them undocumented immigrants. Upon the bad advice of an immigration attorney, they applied for political asylum and were rejected. They were later ordered deported. The couple now resides with their two young U.S. citizen children. They are fighting to stay in the country with the help of an attorney and Ravinder's brother-in-law, who was previously undocumented and later gained U.S. citizenship.<sup>47</sup>

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<sup>42</sup> Story collected through SAALT's Documentation Project in conjunction with a community partner organization located in Brooklyn, NY, December 2006.

<sup>43</sup> "Daughter wakes to find family missing" *New America Media*, Julie Johnson, June 15, 2007.

<sup>44</sup> "Rendezvous: Madeeha Faryad's story" *The Saturday Post.com*, Issue 46, July 1-7, 2006.

<sup>45</sup> "Current immigration reform debate could have long-lasting impact on tens of thousands of Sikhs" *Los Angeles Times*, compiled by the Sikh Coalition, May 16, 2006.

<sup>46</sup> Personal account from "Rita" collected through SAALT's Documentation Project, September 2007.

<sup>47</sup> "Illegal immigrants from India on the rise" *Houston Chronicle*, James Pinkerton, September 11, 2007.

**Tara\* is an immigrant from Fiji** and a community advocate working for a non-profit organization dedicated to empowering South Asians. Her family immigrated to the United States from Fiji in 1989 when she was 7 years old. Since their arrival, her mother has worked as a food and utensils packer at an airport, and her father worked as a truck driver for 10 years until her was injured at work. Due to his work-related injuries, he is physically disabled and mentally ill. Since 1989, Tara's parents have had a political asylum case pending. Her father, who is one of the primary applicants on the case, has not been able to testify due to his disability. If her parents are deported to Fiji, they will be in danger because they are Indian Hindus, a persecuted minority in that country.<sup>48</sup>

**Ashwini, a young woman from India**, was studying in Texas where she had met her American citizen partner Rachel, twenty-eight. Her student visa was about to expire and she became worried because there was no other way for her to remain in the United States and be together with her partner. She is unable to be sponsored by her partner because same-sex marriages are not recognized in the United States and under current immigration law.<sup>49</sup>

**Keshav, originally from Pakistan, spent over 15 years** in the United States as an undocumented immigrant. At the age of 17, he fled Pakistan due to persecution he suffered for being Hindu and gay. Promising his family in Pakistan that he would "reform" to heterosexuality, he married a female friend who sponsored him for a green card. However, the marriage was later annulled and he was left without legal status. Forced to register with the government along with other Pakistani nationals following 9/11, he was discovered by immigration officials and placed in deportation proceedings. He sought political asylum.<sup>50</sup>

\* ***Names have been changed to protect identities.***

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<sup>48</sup> Story collected through SAALT's Documentation Project, May 2007.

<sup>49</sup> *Family, Unvalued Discrimination, Denial, and the Fate of Binational Same-Sex Couples under U.S. Law* Human Rights Watch and Immigration Equality, May 2, 2005.

<sup>50</sup> "Being gay and Hindu may win Pakistani DJ asylum in USA" *San Francisco Chronicle*, Dave Ford, June 2003.