



CALL TO ACTION



**Platform for
Asian Pacific Americans
National Policy Priorities**

2008



National Council of Asian Pacific Americans



Platform for Asian American and Pacific Islander Policy Priorities

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Endorsing Organizations As of April 2008

Asian American Justice Center
Karen K. Narasaki
www.advancingequality.org

Association of Asian Pacific Community Health Organizations
Jeffrey Caballero
www.aapcho.org

Asian Pacific American Labor Alliance, AFL-CIO
Malcolm Amado Uno
www.apalanet.org

Asian Pacific Islander American Health Forum
Ho Tran
www.apiahf.org

Asian Pacific Islander American VOTE
Vida Benavides
www.apiavote.org

National Coalition for Asian Pacific American Community Development
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Council for Native Hawaiian Advancement
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National Federation of Filipino American Associations
Armando “Doy” Heredia
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National Korean American Service and Education Consortium
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National Asian Pacific American Bar Association
Les Jin
www.napaba.org

National Asian Pacific American Women’s Forum
Miriam Yeung
www.napawf.org

National Alliance of Vietnamese American Service Agencies
Huy Bui
www.navasa.org

OCA National
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South Asian Americans Leading Together
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Sikh American Legal Defense & Education Fund
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Southeast Asia Resource Action Center
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**If your organization would like to sign on to the NCAPA Platform
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“Enforcement Only” (or “Deportation Only”) Approaches to Immigration	Oppose “enforcement-only” (or “deportation only”) laws at the federal, state and local levels.
	Oppose policies that authorize, train, or provide additional authority to local and state police to enforce federal immigration law, as well as policies that deny basic public services to immigrants.
Barriers to Naturalization	Require USCIS to take greater intentional measures to ensure that AA and PI communities are informed about changes to immigration and naturalization processes through a robust outreach program, and consider partnering with local AA and PI ethnic community-based organizations in doing so.
	Expedite security-background check delays plaguing change of status applications, and ensure that such checks do not disproportionately target individuals based on their national origin or religious affiliation.
	Require independent assessment and data collection in order to ascertain the costs and benefits of increased application fees and changes in requirements for immigration-related benefits.
Material Support	Require the implementation of material support legislation passed and signed into law in December of 2007.
Employment Verification	If an employment verification system must be implemented, ensure that adequate safeguards are in place.
Guestworker Programs, Workforce Exploitation, and Trafficking	Strengthen and expand existing labor protection laws and agencies.
Needs of Domestic Violence Survivors	Ensure that all domestic violence survivors, independently of their abusive partners, can petition for work authorization and permission to remain in the U.S.



INTRODUCTION

National Asian American, Native Hawaiian, and Other Pacific Islander Organizations Highlight Needs for Accurate Data, Equal Access, and Comprehensive Immigration Reform

NCAPA and the 2008 Platform

In its *2008 Platform*, the National Council of Asian Pacific Americans (NCAPA) presents information and policy recommendations of vital national importance in order to enrich discussion leading up to elections in the fall of 2008.

Founded in 1996, NCAPA is a coalition of twenty-six organizations that advocate for the interests of Asian Americans, Native Hawaiians, and other Pacific Islanders (here referred to as AAs and PIs) on the national level. By affirming their support for the *Platform*, signatories strongly request that Presidential candidates, their political parties, and others vying for public office *seriously consider* and *publicly respond* to the information and policy recommendations put forward within the document.

This Introduction highlights the shared conviction among signatories that progress for AAs and PIs in all public policy areas – including civil rights, economic justice, education, health care reform, and immigration – depends on progress in data collection and presentation; equal access to programs and services; and comprehensive immigration reform that keeps families together, creates paths towards citizenship, and is fair and humane.

NCAPA also presents two recommendations for pursuing the recommendations put forth in this *Platform*. First, the next President should reinstate and support the expansion of the White House Initiative on Asian Americans and Pacific Islanders (the “Initiative”) and the President’s Advisory Commission on Asian Americans and Pacific Islanders (the “Commission”), which were first created by executive order under President Bill Clinton and then extended until May 2007 by President George W. Bush. The next President should empower the Initiative and Commission to ensure the full participation of AAs and PIs in all aspects of the federal government’s operation, including but not limited to aspects that relate to economic development (as was the case during the Bush Administration). Second, the next President should direct his or her Administration to partner more fully with national and local organizations that are rooted in the AA and PI communities in order to most effectively formulate and pursue policies that are in the communities’ interest. NCAPA member organizations stand ready to pursue this course of action with the next Administration.

Community Strength and Diversity

Asian Americans, Native Hawaiians, and other Pacific Islanders are significant forces in American politics, and diverse in terms of party affiliation and loyalty.ⁱ Leading up to the 2004 election, 41 percent of likely AA and PI voters were not able to pick between the Democratic and Republican parties when asked which “regards the opinions of their national or ethnic group in a more important way.”ⁱⁱⁱ No candidate or party can afford to take them for granted.

AAs and PIs number over fifteen and a half million, which is roughly equal to the combined populations of Chicago, Los Angeles, Miami, New Orleans, and New York City.ⁱⁱⁱ Since 2000 the Asian American community, which now includes over 14.6 million people,^{iv} has grown by over 23 per cent,^v making it the fastest growing racial group in the country. Since 2000 the Native Hawaiian and other Pacific Islander community, which now includes over 990,000 people,^{vi} grew by over 13 percent.^{vii} Rapid growth trends continue, and by 2050 AAs and PIs are projected to number well over 35 million.^{viii}



AAs and PIs trace their heritage to dozens of distinct ethnic groups^{ix} and span the gamut in terms of geographical distribution, native language and culture, religion, immigration history, and the achievement of the American Dream. As the sections below and the *Platform* itself demonstrate, AAs and PIs form vibrant and diverse communities that resist stereotypes.

Cross-Cutting Themes: Data, Access, and Immigration Reform

Signatories to the *2008 Platform* affirm that substantial progress in all of the public policy areas attended to in the *Platform* – civil rights, economic justice, education, health care reform, and immigration – depends on significant progress in the following areas: First, more accurate data about AAs and PIs must be collected and disseminated. Second, all community members must have equal access to publicly supported programs and services, regardless of English language ability and other factors. Third, Congress must enact, and the President must sign into law, sensible comprehensive immigration reform that is consistent with American values such as family unity and fairness.

Accurate Data Must be Collected and Made Available

Data must be collected and presented for specific communities, as well as for overarching groups such as Asian Americans, or Native Hawaiians and other Pacific Islanders. When data are provided only for the overarching groups, important differences between the communities become invisible, reinforcing the tendency to stereotype AAs and PIs as “model minorities.” The design, operation, and evaluation of programs and policies by the federal and local governments, schools, hospitals, and other organizations all depend on the availability of data focused on specific communities.

The lack of accurate data about specific communities currently impedes progress in the following areas, among many others:

- **Civil Rights:** Hate crimes against AAs and PIs often go unreported, in part because many communities lack language-appropriate mechanisms for reporting them.
- **Economic Justice:** The lack of disaggregation of data under the *Home Mortgage Disclosure Act* means that we don’t know exactly how predatory lending is affecting AA and PI subpopulations that are disproportionately low-income, and our efforts to combat predatory lending are compromised.
- **Education:** Most research and data on AA and PI educational achievement provide averages for all Asian American and Pacific Islanders, ignoring the unique struggles faced by individual ethnic groups, including Southeast Asian and Pacific Islander communities. Since data inform decisions regarding policies, programs, and resources, the lack of disaggregated data can promote the model minority myth and prevent individual communities from obtaining the resources that they need.
- **Health:** Studies show that AAs and PIs are disproportionately prone to several serious illnesses such as hepatitis B, liver cancer, and others. More disaggregated data are needed to identify additional health disparities so that treatment can be effectively targeted.
- **Immigration:** Without data on whether increased fees for naturalization have disproportionate impacts on certain AA and PI groups, we are less able to target naturalization assistance effectively.

Accurate and readily available data focused on specific Asian American, Native Hawaiian, and other Pacific Islander communities are the foundations upon which effective public policy must be built.

The Communities Must Have Full Access to All Publicly Funded Programs

In 2004, 34 percent of Asian Americans and nearly 8 percent of Native Hawaiians and other Pacific Islanders lived in households where English was not the primary language spoken, and they spoke English



“less than very well.”^x The vast majority of AA and PI immigrants strive to learn English, despite the widespread shortage of English as a second or other language (ESOL) programs and other barriers.^{xi} While they do so, many face language barriers in making use of services that are provided or supported by the federal government, despite the fact that the U.S. Supreme Court has found that these barriers constitute discrimination based on national origin and are forbidden under legislation as well as Presidential executive order.^{xii} Examples of hardships created by lack of effective language access include the following:

- **Civil Rights:** Due to cultural and language barriers, community members are often not able to file complaints with federal agencies such as the Department of Justice, Department of Health and Human Services, and Equal Employment Opportunity Commission.
- **Economic Justice:** Many community members lack access to affordable high-quality housing, in part because language barriers stop them from communicating with housing agencies and other resources.
- **Education:** AA and PI students who are English language learners face significant challenges with succeeding in school. Schools need adequate resources to gauge the progress of these students through appropriate assessments, including in some cases native language assessments, and to involve parents who face language barriers.
- **Health:** Because they cannot easily communicate with many medical personnel due to the lack of translation and interpretation services, many community members leave illnesses untreated until they require trips to the emergency room.
- **Immigration:** Many AA and PI immigrants who are detained are less able to understand the detention and deportation process, and less able to negotiate the immigration system, because they do not have access to translation and interpretation services.

Regardless of their English-language abilities, AAs and PIs need to have access to all essential services, and particularly those that make use of federal government funding. Laws requiring government-funded programs to offer translation and interpretation services must be vigorously enforced.

The Communities Need Comprehensive Immigration Reform

Over 60 percent of Asian Americans and 4 percent of Native Hawaiians and other Pacific Islanders are foreign-born, compared to just over 11 percent of all people in the U.S. The communities account for over 25 percent of the nation’s foreign-born population.^{xiii} Since many of the public policy challenges outlined in the *Platform* are faced most acutely by immigrants and the people who are close to them, substantial progress in areas such as civil rights, economic justice, education, and health are all inextricably linked to progress in immigration reform. The next President of the United States must create the political will for Congress to pass comprehensive immigration reform that keeps families together, creates paths towards citizenship, and is shaped by American values of fairness.

Family unity is a fundamental cornerstone of the American immigration system, and yet people coming to join their AA and PI relatives face some of the worst backlogs in the world. AA and PI U.S. citizens must wait between 6 and 22 years to be reunited with adult children and siblings after petitioning on their behalf. Spouses and children of lawful permanent residents must wait between 5 and 11 years to be eligible for immigrant visas. Thousands of community members, many of whom arrived in the U.S. as children and are the sole wage-earners for their families, face deportation even after paying the penalties imposed on them in courts of law. Strong families provide mutual support that can help their members integrate with American society. The country’s immigration system should foster, rather than impede, family unity.

Approximately 1.3 million of the 12 million total undocumented immigrants in the U.S. are of AA or PI descent. Many have come to the United States in order to join family members who are citizens rather than wait decades for their requests to be processed through the immigration system, or they have come to



work.^{xiv} Once they have built their lives in this country, many seek to pursue a college education. As contributing members of American society undocumented AAs and PIs deserve a place on the path to citizenship.^{xv}

All people of Asian or Pacific Islander descent who reside in the U.S. must be treated as human beings with certain inalienable rights and access to essential services, regardless of their immigration status. Like everyone else in America, they must have access to due process and legal counsel within the justice system, and they must be protected from selective enforcement of the law based on racial or religious profiling. In addition, they must have access to essential medical, public safety, and educational services. “Enforcement only” approaches towards immigration reform, as well as initiatives that bar people from essential services, violate human rights and Americans’ shared sense of decency.

Conclusion

Three cross-cutting themes – the needs for more and better data, full access to publicly supported services, and comprehensive immigration reform – reappear throughout the National Council of Asian Pacific Americans’ *2008 Platform*. Improvements in these areas as they relate to civil rights, economic justice, education, and health are essential to the continued flourishing of Asian Americans, Native Hawaiians, and other Pacific Islanders in the U.S. The NCAPA member organizations that affirm their support for this *Platform* look forward to hearing responses to these positions from Presidential candidates and people vying for other public offices in the 2008 elections.



CIVIL RIGHTS

History has taught us that when a country is facing an external threat, some of its leaders and citizens often seek to limit civil rights and civil liberties in the name of national security, and that certain minority groups often serve as scapegoats and suffer from those efforts disproportionately. In part because many Americans felt threatened by the arrival of large numbers of non-Europeans to the U.S. during a period of economic depression, Congress enacted the Chinese Exclusion Act of 1882. This Act lasted until 1952 and was the first piece of American immigration legislation that targeted a specific ethnic group. It prohibited Chinese from immigrating to the U.S. for the following ten years, and denied them the right to citizenship. During World War II, Japanese Americans were denied many basic Constitutional rights and even placed into detention camps – violations that Congress and the President eventually apologized for, but only decades after the damage was done. In 1982 a Chinese American man named Vincent Chin was murdered by two Caucasian men who called him a “jap” and blamed him and foreign automakers for their unemployment.

Although Asian American (AA), Native Hawaiian, and other Pacific Islander (PI) community activists have become increasingly vigilant against discrimination, some of America’s leaders sought to strip away Constitutionally guaranteed rights from minority group members following 9/11. Government requirements that are targeted specifically at immigrants from parts of Asia and the Middle East, profiling and selective enforcement of the law carried out on the basis of national origin and religion, hate crimes, unprecedented limitations on due process and habeas corpus rights, the denial of internationally accepted human rights to immigrants, and other abuses continue to be carried out in misguided attempts to defend the country and the freedom for which it stands. Paradoxically, they only serve to divide us as a people; to limit our rights to life, liberty, and the pursuit of happiness; and to make the world more dangerous for America and Americans.

The anti-immigrant environment that has been nurtured by counterproductive attempts to protect national security has intensified many of the civil rights challenges that have been faced by AAs and PIs for generations. Over 60 percent of AAs are foreign-born, as are 4 percent of PIs^{xvi}, and many Americans continue to typify all AAs and PIs as in some way “foreign.” Regardless of how deep their roots are in the United States, many community members continue to struggle with discrimination in the workplace and elsewhere based on national origin, religion, sexual orientation, and gender identity, as well as from violations of their voting rights. In addition, hate crimes continue to be perpetrated against many, Filipino veterans continue to lack the recognition and benefits they are entitled to, and Native Hawaiians continue to struggle for appropriate recognition as an indigenous people of the United States.

KEY ISSUES

Affirmative Action

Affirmative action is an important tool to provide qualified individuals with equal access to educational and professional opportunities they would otherwise have been denied despite their strong qualifications. As a result of affirmative action, jobs, historically segregated universities and other institutions began to include greater numbers of minorities. Many companies turned to affirmative action to overcome the lack of diversity in their workforce, enabling greater competitiveness in increasingly diverse local and world economies.

Increasing competition for academic and employment opportunities has led to conflict that has been blamed on affirmative action programs. In California, Washington State, and Michigan, referenda have been passed and interpreted as barring affirmative action programs by state and local governments. The state Supreme Court has ruled similarly in Texas. In 2003, the U.S. Supreme Court maintained, in *Grutter v. Bollinger*,



that affirmative action was to be allowed to achieve racial or ethnic diversity in universities as a valid educational purpose not just for the benefit of minority students, but for a diverse academic community benefiting all.

Although the community is not unanimous in its opinions on affirmative action, a significant number support such programs. Exit poll responses showed that during California's Initiative 209 on this topic, 76% of AAs and PIs voted against the ban.^{xvii}

While AAs and PIs in educational programs are usually not provided affirmative action, they do benefit from a more diverse setting. Moreover, the pernicious "glass ceiling" in employment, which prevents many qualified AAs and PIs from promotional and hiring opportunities, may best be addressed by affirmative action programs that would not survive if educational affirmative action were ended.

Discrimination

Employment Discrimination

In a host of employment areas, and notably in management opportunities, AAs and PIs face ongoing discrimination. The Department of Labor's Glass Ceiling report has indicated that in the nation's largest corporations, top management remains 97% white and 95% male, despite rapidly rising numbers of qualified women and minorities for these positions.^{xviii}

Of the roughly 80,000 charges received by the Equal Employment Opportunity Commission (EEOC) each year, about three percent come from AAs and PIs.^{xix} In recent years, the agency has pursued cases involving glass ceilings, English-only rules, accent bias and other unequal treatment faced by AAs and PIs, but it is acknowledged that this is only a small part of the job discrimination faced by the community.

National Origin Discrimination

Laws prohibiting national origin discrimination make it illegal to discriminate because of a person's birthplace, ancestry, culture or language. Given that AAs and PIs are stereotyped as "foreigners" by many Americans, many community members, including citizens, become victims of national origin discrimination. Much national origin discrimination takes the form of exclusion from federally supported services because of language barriers. The U.S. Supreme Court has ruled that such exclusion is to be understood as national origin discrimination as outlawed by the Civil Rights Act of 1964, and this position was also taken in Executive Order 13166.

With the issuance of Executive Order 13166, the Department of Justice (DOJ) was tasked with the responsibility of ensuring other federal agencies issued guidances outlining their agencies' plans for increasing access for limited English proficient (LEP) populations. Recently, DOJ's authority and resources have been scaled back, and the agency has been unable to carry out this important function. In addition, agencies such as the Department of Homeland Security, Small Business Administration, and Federal Emergency Management Agency (FEMA) have yet to release their LEP guidance documents.

The movement to make English the official language at the federal, state, and local levels has gained momentum in the past several years. Although such a mandate might provide an exception for current federal statutes, no law specifically provides for language discrimination. Enactment of English-only laws could result in arbitrary and malicious enforcement by government entities that would deprive LEP individuals of necessary federal services and benefits.

Religious Discrimination



Practitioners of minority religious faiths, including faiths with large numbers of AAs and PIs such as Islam and Sikhism, began to face increasing discrimination after September 11th. For example, some businesses continue to deny Muslim Americans the right to use their breaks to pray, and Sikh Americans are often denied private and government jobs because of their religiously mandated turbans.

EEOC has recorded an 83% increase in the number of religious discrimination claims in the workplace filed between 1992 and 2006.^{xx} In addition, in recent years, U.S. courts have increasingly ruled against requiring employers to make accommodations for religious needs, as a result of an excessively narrow reading of the religious accommodation clause within Title VII of the Civil Rights Act.

Since 9/11, profiling and selective enforcement of the law based on national origin and religion have been routinely conducted by airport security, immigration enforcement agencies, and state and local law enforcement. Special registration became an immigration enforcement tool that targeted men from Pakistan, Bangladesh, Indonesia, and North Korea, as well as several Middle Eastern countries. Individuals who were unaware of the registration requirement and failed to register, those who registered improperly, and those who complied with registration but were found to be out of status, were placed into removal proceedings. When special registration was completed, 13,000 of the nearly 83,000 men who complied with the program were removed from the United States.^{xxi} Although men from Asian countries are no longer required to register under NSEERS, those who failed to register when registration was required, or who registered improperly, continue to face adverse immigration consequences based upon their prior noncompliance with the program. In addition, individuals from several Middle Eastern countries still need to register under NSEERS at ports of entry, as do other individuals who are identified on a case-by-case basis.

Discrimination against LGBTs

In response to a 2007 survey^{xxii} of over 860 AAs and PIs who were gay, lesbian, bisexual, or transgender (LGBT) 75 percent reported having been discriminated against because they were LGBT.^{xxiii} Congress took steps in 2007 to protect some individuals from such discrimination in the workplace through the introduction of HR 2015 (the Employment Non-Discrimination Act, or ENDA), although the bill was not enacted.

Unequal Treatment of Filipino Veterans

Thousands of aging Filipino veterans who served with the U.S. Armed Forces during WWII and were allowed to become U.S. citizens in 1990, remain separated from their children and grandchildren, who have not been extended immigration benefits but must wait for years to pass through the family immigration system. These soldiers were drafted into the United States Armed Forces of the Far East as U.S. nationals while the Philippines was a U.S. territory, only to have their veteran status revoked by the 1946 Rescission Act. Foreign nationals from over 60 other countries who served in the U.S. armed forces receive U.S. veteran status, but the Rescission Act singled out Filipino veterans for unequal treatment.

Hate Crimes

Hate crimes are defined as criminal offenses against a person or property motivated by the offender's bias against a protected class. In 2005, the Federal Bureau of Investigation (FBI) reported that 54.7 percent of hate crimes were racially motivated, of which five percent were against AAs and PIs.^{xxiv} This statistic fails to include a significant number of unreported cases. Although the FBI and U.S. Department of Education (DOE) are responsible for collecting nationwide statistics on hate crimes, their data are incomplete and inconsistent. Most college campuses either report no hate crime incidents against AAs and PIs (contrary to the information of other sources) or do not submit reports.



Underreporting and lack of funding and training for local law enforcement officials to track hate crimes are widespread. Barriers to reporting hate crimes include the limited English proficiency of many victims, lack of awareness and understanding of hate crimes in communities, lack of proper training of state and local officials in recognizing and investigating hate crimes, and insensitivity and misunderstanding of officials regarding communities affected by hate crimes.

Federal Recognition of Native Hawaiians

The Native Hawaiian Reorganization Act of 2007 (the “Akaka Bill”) was most recently introduced in January of 2007 as S. 310 / H.R. 505. While Congress has traditionally treated Native Hawaiians in a manner parallel to American Indians and Alaska Natives, the federal policy of self-governance and self-determination has not been formally extended to Native Hawaiians. The bill would establish a process for the reorganization of a Native Hawaiian governing entity for the purposes of a federally recognized government-to-government relationship with the United States. Through this process, the U.S. Government, the State of Hawaii, and the recognized Native Hawaiian governing entity could work together to address issues such as criminal and civil jurisdiction, historical grievances, and jurisdiction and control of natural resources, lands and assets.

Voting Rights

AAs and PIs have a significant stake in participating in the public dialog concerning resource allocation decisions, regulations, investment in schools, economic redevelopment and other issues. Minorities are too often excluded from the decision making of government entities at the national, state, and local levels. Full participation in the electoral process is mandatory to ensure that the interests of Asian Americans and other minorities are addressed by America’s leaders and policymakers.

Despite some recent improvements, there still exist a number of barriers to AA and PI participating in the democratic process. Nearly four million AAs experience some difficulty speaking English, and over one third of them are limited English proficient (LEP) and experience difficulty communicating in English. Section 203 of the Voting Rights Act requires certain jurisdictions in seven states to provide written and oral language assistance for certain Asian languages. However, lack of Section 203 compliance at the polls, combined with insufficient voter education and outreach, remain substantial challenges to full participation by Asian Americans in elections. Despite these challenges, Section 203 has proven to be important to helping Asian Americans be able to actually vote. While Congress recently reauthorized Section 203, some members of Congress continue to propose English-only and other measures seeking to strike or undermine its protections.

Another barrier to voting for Asian American can be found in the recent push by states to require photo identification in order to vote. The following states have already implemented some form of photo identification for voters: Florida, Georgia, Hawaii, Indiana, Louisiana, Michigan, and South Dakota. Georgia’s original draconian voter ID law was held unconstitutional and characterized as a “modern day poll tax” by a federal judge. Strong evidence exists that requiring a photo ID as a prerequisite to voting disproportionately disenfranchises people of color, the elderly, individuals with disabilities, rural and Native voters, the homeless and low-income people, who are far less likely to carry a photo ID. Up to 10 percent of the voting-age population does not have state-issued photo identification.^{xxv} When the photo identification requirement is made even more restrictive with a proof of citizenship requirement, even more barriers are erected that impedes the ability of many Americans, particularly those of color, to vote. On the federal level, attempts have been made to pass a national photo identification requirement to vote, either connected to the REAL ID or simply a photo id. The voter identification issue is likely to become part of this year’s immigration debate as it came up in last year’s senate proposals, as well as part of any debate for



all election reform legislation being introduced. While a number of photo identification laws are being challenged in the courts, most are watching to see what the U.S. Supreme Court does with the Indiana voter ID case that was argued in January, 2008. Depending on the outcome of the case, action might need to be taken to try and eradicate these new barriers.

Election Reform legislation that is intended to improve the election system must take into consideration the concerns and needs of the language minority population. In 2002, Congress enacted the Help American Vote Act (HAVA) to reform America's election system. While HAVA contained a number of improvements to address growing concerns about the accessibility and integrity of the voting process, it also contains several provisions, such as the ID requirement for first-time voters who register by mail, that have already begun to cause chaos at the polls, and may not only make it easier to discriminate, but for some Americans, including Asian Americans, also make it harder to vote. After the 2004 and 2006 elections, election reform was once again hotly debated, including issues around electronic voting machines and voter-verified paper trails. A number of these issues intersect with language access issues and other forms of discrimination, such as discriminatory application and institution of voter identification policies and which types of voting systems should be allowed. It is important that discussions of these issues take into consideration the impact on language minority voters.

RECOMMENDATIONS

Affirmative Action

Protect and support affirmative action programs in education, employment, federal agencies, and government contracting.

Educate communities, including AA and PI business owners, as to their rights and responsibilities, encouraging those that face discrimination to use the laws that protect them. Outreach to community groups and multilingual educational campaigns should be prioritized. A disproportionate percentage of AA and PI businesses are "small businesses" that do not have staff committed to insuring equal employment opportunity.

Discrimination

Support the Civil Rights Act of 2008. Recent Supreme Court decisions have weakened basic protections to ensure that tax dollars are not used to subsidize discrimination. This piece of legislation would restore a private right of action for those who suffer from unjustified discrimination through federal programs, further protects students from harassment, holds employers accountable for age discrimination, and improves accountability for other violations of civil rights.

Adequately fund and staff federal and state discrimination enforcement agencies. Historically, federal and most state discrimination enforcement agencies have been underfunded. Recent progress is jeopardized by cutbacks that limit the progress of the EEOC and other enforcement agencies. Past low charge rates in areas with high numbers of AAs, PIs and Latinos have led to recommendations that agencies close offices in those areas, which would slow the progress the agencies have made. The EEOC should abandon an expensive program to do intake through a national call-in line, which would increase the agency's backlog problem as well as intimidate immigrant claimants. Congress should also prioritize increased funding to hire more civil rights officers, and more resources for the Department of Justice to monitor federal agency LEP guidances and implementation.



Employment Discrimination

Encourage the use of affirmative action to counter “glass ceiling” and other forms of discrimination suffered by AAs and PIs in the workplace.

Enforce all forms of protection against workplace discrimination carried out against AAs and PIs, including discrimination linked to ethnicity, religion, national origin, race, gender, age, sexual orientation, gender identification, disability, and other personal or community features.

National Origin Discrimination

Maintain the promise of the Civil Rights Act of 1964 and Executive Order 13166. Enforcement agencies should prioritize the enforcement of Title VI prohibitions against national origin discrimination and comply with the requirement that such agencies provide equal access to information and services to persons speaking limited English. Model legislation for block funding for language assistance in healthcare should be utilized for funding language access mandates. Recent legislation mandating the Federal Emergency Management Agency (FEMA) plan for LEP populations should be replicated for all federal agencies.

Require enforcement agencies to hire or contract with staff capable in AA and PI languages and practice affirmative action to help such agencies understand how best to work with underserved communities.

Oppose discriminatory English-only provisions at the federal, state, and local levels. English only provisions do not serve useful purposes, and many threaten important safety, health, and educational programs.

Eliminate profiling based on national origin and religion. Implement policies that ban profiling by law enforcement agencies, mandate racial and religious data collection for all law enforcement encounters, provide legal options to individuals affected by profiling, and provide grants to law enforcement to ensure that programs that eliminate profiling are developed and implemented.

Religious Discrimination

Require DOJ and EEOC to more seriously address and investigate incidents of religious discrimination. Currently, crimes motivated by religious prejudice appear to be a low priority for the Civil Rights Division within DOJ as well as for EEOC. Require more vigorous enforcement, and increase funding for cultural and religious sensitivity training for government personnel.

Support the Workplace Religious Freedom Act, which would guarantee employees the right to practice their faith so long as it does not interfere with business functions. WRFA would return the effect of Title VII from the narrow interpretation given by the courts to the original intent of the Civil Rights Act.

Discrimination Against LGBTs

Support a fully inclusive version of the Employment Non-Discrimination Act.

Unequal Treatment of Filipino Veterans

Support the Filipino World War II Veterans Equity Act and Legislation Affecting Filipino Veterans.



Hate Crimes

Support funding for more comprehensive data collection of hate crime incidents and hold federal agencies accountable for providing accurate and complete data.

Support the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA), which would expand federally protected classes to include gender, sexual orientation, gender identification, and disability; expand federal jurisdiction over hate crimes to include violent crimes; and provide grants to support state and local law enforcement in pursuing hate crimes.

Federal Recognition of Native Hawaiians

Ensure that the U.S. Government resolves its unsettled relationship with Native Hawaiians. Native Hawaiians should be allowed self-determination over their own affairs within the framework of federal law, as is the case with American Indians and Alaska Natives. Legislation has been introduced that would provide a process for the reorganization of a Native Hawaiian government for the purposes of a federally recognized government-to-government relationship.

Voting Rights

Work with jurisdictions, local groups and DOJ to ensure that covered jurisdictions are complying with Section 203 of the Voting Rights Act.

Combat efforts to promote voter identification measures that would further deter AA and PI voters at the polls.

Ensure election reform legislation balances securing election systems with making election systems accessible to all eligible voters.

Require that language access and assistance remain top priorities for the Department of Justice's Voting Section.



ECONOMIC JUSTICE

Contrary to the model minority myth, many Asian Americans and Pacific Islanders (AAs and PIs) still lag behind the rest of the country in terms of wealth, economic stability, job security, housing and homeownership, and retirement readiness. Although the median AA and PI income is higher than the national median, the poverty rates are higher and incomes for some ethnic groups are substantially lower than the national median.^{xxvi} A huge barrier to AA and PI community development is the lack of affordable housing. The presence of large intergenerational families with low incomes means that many AA and PI households face difficulties in finding housing that is both large enough and affordable. Over 20 percent of AA and PI families live in overcrowded housing, and 11 percent of subsidized housing in central cities is occupied by AA and PI families.^{xxvii}

Another challenge to economic development is that the AA and PI communities suffer from pervasive financial capital shortfalls. Home and business ownership often enable individuals to accumulate assets that lead to greater financial security. For example, studies show that approximately 50 percent of household wealth comes in the form of ownership of one's primary residence.^{xxviii} Unfortunately, the 2000 Census revealed that Asian Americans were less likely to own their own homes than non-Hispanic whites by a margin of 19 percent.^{xxix} In the area of business entrepreneurship, the Small Business Administration found that while the number of Asian-owned business grew 180 percent between 1987 and 1997, AA businesses were less likely to have a successful business closing or a closing without outstanding debts, than firms owned by people of other races, with the exception of African Americans.^{xxx}

Additionally, due to immigration status, language and educational barriers, many AAs and PIs are forced into low-wage industries with little job security, and the communities have the second lowest unionization rates in the country. This translates into a greater likelihood of exploitation in the workplace with little hope for upward economic mobility. The right to organize provides leverage for workers to counter these inequities and fight for respect in the workplace.

Because of their status as a native people of the United States, Native Hawaiians face a number of economic justice issues that are unique to them. For example, many community members are concerned that programs established for the use of Hawaiian Home Lands are operated without sufficient beneficiary consultation, and that funds obtained through commercial use of those Lands are not dedicated to community needs.

The issues of concern below - housing, predatory lending, the use of Hawaiian Trust Lands, access to financial services and financial literacy, workforce development and asset building, and labor rights - will continue to have profound impacts on AA and PI community development and economic justice during the term of the next President.

KEY ISSUES

Access to Affordable Rental Housing

Affordable rental housing is an important resource for AA and PI families and the communities in which they live. According to the 2000 Census, 42.4 percent of Asian Americans and 53.6 percent of Native Hawaiians and Pacific Islanders rent.^{xxxii} In California, where more than a third of AA and PI households are situated, close to half of Cambodian, Hmong, Laotian, and Vietnamese households spend more than 30 percent of their income on rent.^{xxxii} To alleviate high housing costs, many AA and PI households are forced to live in substandard, overcrowded conditions or face homelessness. The need for affordable rental housing impacts every part of the U.S. The number of families with housing needs continues to grow as



rents outpace wages and the supply of affordable housing shrinks. Housing policies that expand affordable rental production, rehabilitation, and assistance are critical to easing the housing burdens of renters.

Access to Homeownership

Homeownership Opportunities

Low-income AAs and PIs face a significant homeownership gap. According to the Census, homeownership rates of AAs and PIs continue to lag behind the national average of 66.2 percent. Among Asian Americans, 57.6 percent own their own homes; among Pacific Islanders, the figure is even lower, at 46.4 percent.^{xxxiii} Low wages and work in cash-based industries make it difficult for low-income AAs and PIs to substantiate their income, build assets, understand and use credit systems, and qualify for a mortgage. Few banks have bilingual, bicultural staff or offer information about the home-buying process for AA and PI immigrant communities. Many AA and PI homebuyers seek support from individuals in their communities who may provide incorrect information or charge higher fees, points, and interest rates. AA and PI homebuyers often also face discrimination during the home buying process.

Predatory Mortgage Lending

Predatory mortgage lending is an exploding problem in communities across America and has a disproportionate impact on the elderly and minority communities. Without access to conventional lenders and reliable information in different languages, AA and PI and immigrant communities are particularly vulnerable to predatory lending. Predatory lenders often target vulnerable communities, steering borrowers to abusive loans when they could have qualified for prime mortgages. As a result, many homeowners have not only lost their homes to foreclosures, but they have also lost their primary sources of savings -- their home equity -- to unethical mortgage lenders.

Hawaiian Home Lands Trust Loan Guarantees

The FHA 247 program, operated by the Department of Housing and Urban Development (HUD), is a loan guaranty program for Native Hawaiian beneficiaries of the Hawaiian Home Lands Trust to promote home ownership on Hawaiian Home Lands properties. The FHA 247 program allows borrowers to access their equity from the value of their homes, and requires borrowers to pay mortgage insurance fees into a reserve fund, which is used by the State of Hawaii to cover delinquent loans. The FHA 247 program has resulted in successful home ownerships on Hawaiian Home Lands by making loans more readily available for lower and moderate income families through its mortgage insurance program. Furthermore, the program has allowed families to access their equity through refinance options.

In 2006, the State of Hawaii made a policy change at the administrative level – without having consulted with the beneficiary community – to request and obtain from HUD a new FHA agreement that lowered the loan-to-value ratio from 95 per cent to 75 per cent on mortgage loans under the FHA 247 program to lower the Hawaiian Home Lands Trust's loan loss risk.^{xxxiv} This policy change had a direct impact on the beneficiaries of the trust and reduced the availability of capital available to the Hawaiian Home Lands residents.^{xxxv}

Hawaiian Home Lands

In 1921, Congress enacted the *Hawaiian Homes Commission Act*, establishing the Hawaiian Home Lands and the Hawaiian Home Lands Trust to provide native Hawaiians with residential, agricultural, and pastoral leases to return to these lands. Because of a number of factors, including limited funding for infrastructure and limited access to financing options, only 8,000 individuals currently hold leases on the home lands and



approximately 19,000 remain on a waiting list.^{xxxvi} Currently, consultation with members of the beneficiary community (“beneficiary consultation”) is not required when the use of Trust Lands is considered, and funds resulting from any commercial use of the Lands (e.g., resort development) are not required to be put to use for the benefit beneficiaries.

Access to Financial Services and Financial Literacy

Access to formal financial services can increase the ability of people to save and invest, and foster economic growth in distressed neighborhoods. Unfortunately, many AA and PI and immigrant neighborhoods still have few or no banks or bank branches. In addition, the percentage of immigrants who do not have a savings or checking account varies considerably, from 44 percent (Vietnamese immigrants) to 22 percent (Chinese immigrants), compared with 10-20 percent of people born in the US.^{xxxvii} When accessing financial services, AAs, PIs and immigrants also face language barriers, restrictive identification requirements, and unfamiliarity or distrust in these systems. Because of these barriers, many AA and PI households operate primarily in cash or utilize fringe services (e.g., check cashers and money transmitters) that have spread rapidly in low-income and minority neighborhoods. Unfortunately, alternative service providers offer few opportunities to save or build credit, their services can be limited and expensive, and their presence often corresponds with an increase in predatory lending. This stands in stark contrast to the community wealth and investment that could be created by mainstream financial institutions.

Workforce Development and Asset Building

A number of social and economic barriers can lock low-income AAs and PIs into poverty. Low-income AA and PI families lack support from financial and government institutions to build assets and wealth. Thousands of elderly and disabled refugees and asylees from Southeast Asia are excluded from essential Supplemental Security Income (SSI) benefits when they are unable to naturalize within the unrealistic timeframe of seven years after arrival in the U.S. Limited English proficiency constrains employment options for many, often forcing immigrants and refugees into low-wage work with few benefits and little opportunity for advancement. AA and PI-owned small businesses based in the ethnic economies of their neighborhoods struggle with marginal profits, undercapitalization, long work hours, and difficult conditions. When adapted to ethnic-specific needs, community economic development can provide low-income AA and PI communities with a comprehensive strategy to tackle barriers that lead to poverty. Workforce training programs by community economic development corporations can provide services, education and training to increase low-income persons’ ability to transition into livable wage jobs.

Labor Rights

The Universal Declaration of Human Rights affirms the right of workers to join unions. The *National Labor Relations Act of 1935* protects workers’ rights to organize and to bargain collectively, making it unlawful for employers to interfere with those rights. Union workers receive better wages and benefits, with union workers earning 30 percent more those without a union.^{xxxviii} Specifically, unions help to narrow the income gap for Asian Americans by increasing their median weekly earnings by nine percent. Today, over ten percent of Asian Americans belong to unions, representing over 600,000 people.^{xxxix} However, this has not prevented employers from unfairly suppressing worker efforts to unionize.

Each year millions of dollars are spent to stop workers from forming unions, and most violations of workers’ freedom to choose a union occur behind closed doors. As many as 91 percent of employers force employees to attend mandatory anti-union meetings, while 49 percent of employers threaten to close a worksite during a union organizing drive.^{xl} When the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases and job safety standards deteriorate.



RECOMMENDATIONS

Access to Affordable Rental Housing

Support the establishment of a National Housing Trust Fund and Affordable Housing Funds that will generate resources for the production, rehabilitation, and preservation of housing that is affordable to low-income AA and PI communities, including immigrant, refugee, and AA and PI communities.

Support legislative language to factor indicators of state housing needs, including: 1) the extent of unmet housing needs for low-income households; and 2) in high-cost areas and urban centers where many AAs and PIs reside to allow the development of affordable housing.

Support and protect funding for affordable housing programs, including the HOME Investment Partnership, Community Development Block Grant, Native Hawaiian Housing Block Grant, Section 202 elderly housing, public housing, and housing vouchers programs.

Access to Affordable Homeownership

Homeownership Opportunities

Support legislation that reforms the Federal Housing Administration (FHA). FHA reform should provide low- and moderate-income AA and PI families with safer, fairer loans, before they are targeted by predatory lenders. Reform should also include protections for homebuyers and housing counseling, as well as relief for borrowers facing foreclosure.

Support federal funding for homeownership assistance and counseling programs that are linguistically and culturally appropriate and delivered by community organizations.

Support disaggregation of lending data collected under the Home Mortgage Disclosure Act (HMDA) to document discriminatory lending practices faced by AA and PI subgroups.

Predatory Mortgage Lending

Support anti-predatory lending legislation that includes provisions that protect minority, immigrant and AA and PI communities, particularly those that include a large number of limited English proficient members.

Hawaiian Home Lands Trust Loan Guarantees

Require the State of Hawaii to consult with beneficiaries of the Hawaii Home Lands Trust prior to requesting or obtaining changes to the FHA 247 loan program from the U.S. Department of Housing and Urban Development (HUD).

Hawaiian Home Lands

Require consultation with beneficiaries of the Hawaiian Home Lands prior to making the Lands available for commercial uses. Beneficiary consultation will ensure that the commercial activities of the state of Hawaii have the benefit of community needs and priorities, and ensure that the limited amount of Hawaiian Home Lands available are maximized for the purpose of the trust enacted by Congress in 1921.



Establish a community and cultural fund to make use of funding forthcoming from any commercial uses of Hawaiian Home Lands, to benefit the Native Hawaiian community.

Access to Financial Services and Financial Literacy

Support legislation that strengthens and expands the Community Reinvestment Act (CRA) to bring investments for education, homeownership, and entrepreneurship, and continued focus on affordable housing and community economic development investments in low-income AA and PI neighborhoods.

Support funding for financial literacy programs that are linguistically and culturally appropriate and delivered by community organizations. Programs should reach both AA and PI parents and youth. These programs are especially critical in low-income neighborhoods that lack the presence of conventional financial institutions.

Support the Earned Income Tax Credit and Volunteer Income Tax Preparation programs.

Support expansion of financial literacy and homeownership assistance to Native Hawaiians throughout the state of Hawaii.

Workforce Development and Asset Building

Support increased federal funding for economic development programs, including the Community Services Block Grants (CSBG), Social Services Block Grants (SSBG), the Office of Community Services' Economic Discretionary grants, the Job Opportunities for Low Income Individuals (JOLI) program, the Workforce Investment Act (WIA) program, and the Small Business Administration's Microloan program.

Support reauthorization of the Assets for Independence Act, as well as legislation that would create an Individual Development Account (IDA) tax credit. This would increase the use of IDAs and matched savings and assist low-income AAs and PIs in saving for an asset including a home, education, or small business.

Support the extension of crucial Supplemental Security Income (SSI) support to elderly and disabled refugees and asylees from Southeast Asia and elsewhere, so they will be better able to become economically self-sufficient. Benefits should be extended until nine years after arrival in the U.S., rather than the currently unrealistic deadline of seven years.

Labor Rights

Support the Employee Free Choice Act to protect and preserve the right of AA and PI workers to choose whether or not to form a union.



EDUCATION

Asian Americans and Pacific Islanders (AAs and PIs) are often stereotyped as excelling without exception in school and professional life when compared with other racial and ethnic minority groups. This “model minority myth” is misleading, drawing attention away from the diversity of the community and the needs of individual AA and PI communities that face significant challenges to educational achievement and attainment due to unique historical or socioeconomic factors, such as refugee status, long-term disenfranchisement, and poverty. For example, although about a quarter of all Americans age 25 or older have a bachelor’s degree, only 7.5 percent of Hmong, 7.7 percent of Laotians, 9.2 percent of Cambodians, 19.4 percent of Vietnamese, and 13.8 percent of Native Hawaiians and other Pacific Islanders hold one.^{xli}

KEY ISSUES

Disaggregated Research and Data

Most data on AA and PI educational attainment and achievement provide averages for Asian American and Pacific Islander communities overall and fail to disaggregate the achievement of individual ethnic groups or contextualize the historical and socioeconomic factors influencing the achievement of individual groups across the spectrum. Data on AAs and PIs are also collected inconsistently with education sources in some states reporting “Asians” and others reporting “Asians and others.” Since research often informs decisions regarding policies, programs, and resources, the lack of disaggregated data not only fuels the model minority myth, but it can also lead to individual communities and students not receiving the support or instruction needed and mask weaknesses in the education system.

Early Childhood Education

AA, PI and other children facing language or other challenges when they enter school would benefit greatly from early childhood education. Research shows that high quality education before a child turns five years old produces long-term economic and social benefits for communities, and helps prevent future educational problems.^{xliii} Yet not enough children have access to free pre-kindergarten programs.

K-12 Education

Capacity of Schools to Serve AA and PI Students

AAs and PIs are among the fastest growing segments in the U.S. population, but the increasing diversity in educational institutions is not always matched with increasing resources and services to meet the needs of AA and PI students. Even the services that do exist for immigrant parents and students, such as language or parental involvement programs, do not always reach individual AA and PI communities. Over the past few years, federal funding has been severely limited for several programs that significantly impact the education of AA and PI students, including programs for disadvantaged and low-income students (Elementary and Secondary Education Act [ESEA] Title I), teacher quality (Title II), English-language acquisition (Title III), safe and drug-free schools (Title IV Part A [which includes provisions for hate crimes]), and 21st Century Community Learning Centers (Title IV Part B). Overall, funding for the *No Child Left Behind Act* (NCLB) has fallen below authorized levels by billions of dollars each year.

Services and Assessments for English Language Learners (ELLs)

NCLB’s single-minded reliance on two high stakes reading and math tests in measuring student and school success, as well as the labels and sanctions that result from these tests, can unfairly harm both students and schools. AA and PI students can be disproportionately harmed when the tests and their implications do not



adequately accommodate students with limited or no English-language proficiency. Furthermore, under NCLB, low test scores can result in states and districts diverting resources, which can have a negative impact on schools and students. ELL students are often not given enough time to develop English-language proficiency before being required to take the tests, and schools do not often provide appropriate assessments. Moreover, ELL resources are generally insufficient for AA and PI students, bilingual education, bilingual courses in AA and PI languages, and supplemental services.

Parental Involvement

Approximately two-thirds of Asian Americans are foreign-born, and 40 percent of Asian Americans and 14.5 percent of Pacific Islanders reported to the Census Bureau that they speak English “less than very well.”^{xliii} For many AA and PI families this results in cultural, linguistic, and economic barriers to parental involvement. Without translated notices and meetings, interpreters, and other support, AA and PI parents are often unaware of critical information about school issues and events such as parent conferences.

Diversity in the Education Workforce

While AAs and PIs constitute over 4 percent of the K-12 student population^{xliv} and are among the fastest growing segments in U.S. society, Asian Americans are only 1.4 percent of the overall teacher population and Pacific Islanders are only 0.2 percent^{xlv}. These numbers are concentrated in only a few states.

Teacher Preparation

All teachers should be knowledgeable of and skillful in working with students who have diverse learning styles, language skills, and cultural backgrounds, yet teachers are receiving little or no preparation to teach AA and PI students.

Inclusion of AAs and PIs in the Curriculum

The lack of diversity in the workforce is reflected in lack of diversity in school curricula, with inadequate attention paid to the history and contributions of AAs and PIs. More attention needs to be paid to states that are taking steps to integrate AA and PI issues into their learning standards as potential models.

Integration and Discrimination

In order to fulfill the vision of *Brown v. Board of Education* and the goals of the civil rights movement, schools should make efforts to promote integration in spite of recent court setbacks that make it harder, but not impossible, to fashion race conscious remedies. Schools should also be equitably and adequately funded, have programs to prevent all forms of discrimination in school, and make closing minority achievement gaps a critical priority. In addition, schools should rigorously adhere to the Supreme Court decision in *Plyler v. Doe*^{xlvi} and neither deny admission based on immigration status nor inquire into it.

Safe Environments for All Students

As members of minority communities in most parts of the United States, AAs and PIs are particularly liable to becoming the victims of bullying, intimidation, and discrimination. All students deserve to attend schools where they are safe and treated with respect, regardless of their race, ethnicity, national origin, language, gender, religion, immigration status, political beliefs, economic status, sexual orientation, gender identity and expression, and other factors. All students should be protected from bullying, no matter what the motivating factors might be, and the rights of students to form and operate clubs and associations should be respected.



Higher Education^{xlvii}

Minority Outreach Programs

For many parts of the AA and PI community, higher education is out of reach. Gear Up is a Higher Education Act program that leverages state, local, and federal resources to educate low-income students on the importance of a college education. TRIO programs supported by the Higher Education Act are educational opportunity outreach programs designed to motivate and support students from disadvantaged backgrounds. Such programs and others, including those addressing dropout prevention, deserve increased federal support.

The DREAM Act

Many high school students who have lived in the U.S. for most of their lives do not have access to higher education and live in constant fear of deportation because of their lack of immigration status. Not only is this unfair for the students and their families, but it is also contrary to the nation's need to cultivate a well-educated citizenry and workforce. American immigration law currently has no mechanism to consider the special circumstances of such students who must live in the shadows indefinitely. However, there is legislation—the DREAM Act—that would, among other things, allow eligible students to obtain conditional legal permanent resident status by attending college.

Admissions and In-State Tuition

The difference between out-of-state and in-state tuition is often the determining factor for low-income immigrant students in deciding to attend a school. In ten states,^{xlviii} in-state tuition is available for undocumented immigrants. However, there are repeated cases of students being denied in-state tuition because they became undocumented after their visas had expired. This misinterpretation of immigration law often impacts undocumented students from Asia and Pacific Islands who have held visas at one point but have not been able to renew or change their visas. For many, the U.S. is their home and they will continue to contribute back to the U.S. well beyond their college years.

Implementation of the New AAPI Serving Institution Provision Designation

After years of community advocacy, Congress recently created an AAPI Higher Education Serving Institution designation, which, for the first time, creates an “AAPI Serving Institution” designation similar to existing capacity-building programs for higher education institutions serving other minorities. Two years of limited funding have been provided, but implementing regulations and long-term funding remain important goals.

Adult English as a Second or Other Language (ESOL) Education

English proficiency is necessary for immigrant adults to successfully integrate into U.S. society, allowing for naturalization, full participation in civic engagement activities, economic self-sufficiency, effective parenting in the U.S., and full access to health care, education, legal and other systems. Demographic changes in recent years have significantly increased the demand for adult ESOL education, but public funding has not kept pace and many who wish to enroll in classes cannot do so. Waiting times can extend from a few months up to three years, and because of the extreme shortage of classes, ESOL providers have had to resort to over-enrolling students as well as placing students at the wrong skill levels until courses at the appropriate skill levels have become available.



RECOMMENDATIONS

Disaggregated Research and Data

Develop and implement federal policies with accompanying resources that mandate or at least encourage and support the collection and analysis of disaggregated AA and PI data by ethnicity in the areas of academic achievement and educational attainment. Ensure that the disaggregation of data results in an increase – not a decrease – of support for schools that show the need for greater resources for individual ethnic communities facing challenges.

Early Childhood Education

Provide increased funding to promote free quality public school pre-kindergarten programs and full-day kindergarten programs.

K-12 Education

Capacity of Schools to Serve AA and PI Students

Fully fund Elementary and Secondary Education Act (ESEA) programs designed to meet the needs of minority, disadvantaged and AA and PI students (e.g. Titles I, II, III and IV), especially programs serving ELL students. Schools should ensure that such programs address the needs of individual AA and PI ethnic communities, and should partner with AA and PI community organizations, many of which have a long history of providing community-based cultural, linguistic and educational services.

Services and Assessments for AA and PI English Language Learners (ELLs)

Create and fund policies in ESEA that require schools and districts to provide adequate educational programs for ELL students and to assess ELL students accurately and fairly, including lowering numerical thresholds for developing native language assessments to ensure the most commonly spoken AA and PI languages in a district are included.

Ensure that school and student accountability systems are generally based on multiple measures, not solely the two tests currently used.

Ensure that school and student accountability systems are designed to bring additional resources to diverse schools, instead of diverting resources.

Parental Involvement

Create and fund policies that require schools to implement parental-involvement plans that are culturally compatible and linguistically accessible for AA and PI parents.

Support policies and funding for community-based organizations working in AA and PI communities to engage parents in local schools.

Fully fund schools to provide necessary translators and culturally/linguistically competent home-school coordinators who can work with AA and PI parents.

Diversity in the Educational Workforce



Create enforceable and funded policies that remove barriers to the recruitment and retention of AAs and PIs in higher education.

Increase support for the recruitment of AA and PI teachers under Title II of the Higher Education Act.

Teacher Preparation

Provide resources in Title II of the Higher Education Act and Title II of the ESEA for pre-service and in-service teacher education and professional development programs so that the linguistic, cultural and other needs of AA and PI students can be more adequately addressed.

Create and fund programs that increase the number of bilingual educators and the ability of all educators to teach students with limited English proficiency.

Inclusion of AAs and PIs in the Curriculum

Encourage and support the inclusion of AA and PI history, culture and languages in school curricula at all levels.

Integration and Discrimination

Create and fund policies that promote school integration, adequate and equitable school funding, and the elimination of achievement gaps.

Ensure that schools are rigorously following the Supreme Court's decision in Plyler v. Doe and are not inquiring, directly or indirectly, into immigration status.

Save Environments for All Students

Strengthen Title IV, Part A, of the ESEA covering "Safe and Drug-Free Schools and Communities" by requiring schools to take additional steps to prevent, keep records of, and report bullying and harassment, and to educate school staff and students about these issues.

Access to Higher Education

Minority Outreach Programs

Increase support for programs such as GEAR UP and TRIO that will increase access to higher education for AA and PI communities facing challenges.

Increase support for dropout prevention programs at the K-12 level and in higher education.

The DREAM Act

Pass and sign into law an improved version of the DREAM Act. Many high school students who have lived in the U.S. for most of their lives do not have access to higher education and live in constant fear of deportation because of their lack of immigration status. U.S. law currently has no mechanism to consider the special equities and circumstances of such undocumented students, who must live in the shadows indefinitely. Passage of an improved version of the DREAM Act would allow such students to obtain conditional status, and eventually earn permanent resident status, through attending college, serving in the



military or community service, as well as clearly restore to states the option to extend in-state tuition exemption to all eligible students, regardless of immigration status.

Admissions and In-State Tuitions

Require states to work with public colleges and universities to accurately define undocumented status so that appropriate access can be offered to all immigrant students, including those who have become undocumented after their visas have expired. Eligible undocumented immigrant students should be able to exercise their right to a college education and in-state tuition.

Implementation of the New AAPI Serving Institutions Provision Designation

Require the Department of Education to quickly issue regulations implementing the new AAPI Serving Institution Designation, and appropriate additional funding for institutions receiving the designation.

Adult English as a Second or Other Language (ESOL) Education

Create enforceable and funded policies that establish strong standards for quality ESOL education.

Strengthen and reauthorize the Workforce Investment Act to provide better access to training services, flexible performance measures, and English instruction that meets the needs of adult English language learners.



HEALTH CARE REFORM

National health care reform must address the need for quality comprehensive health care. Comprehensive health care must include mental health, substance abuse, oral health, and reproductive health services. Lack of access to these services is a serious problem that diminishes the quality of life for many Asian Americans, Native Hawaiians, and Pacific Islanders (AAs and PIs). The problem is exacerbated by barriers such as the lack of health insurance, lack of trained bilingual service providers, limited availability of trained interpreters, and laws that place additional burdens on immigrants, including some who are in the United States legally but continue to be denied resources. Moreover, the health care system in this country is fragmented, as exemplified by the lack of coordination between primary care and mental health systems.

KEY ISSUES

Guaranteed Affordable Health Coverage

Often overlooked are the high uninsurance rates among Asian Americans, Native Hawaiians and other Pacific Islanders. Almost one-fifth (18 percent) of Asian Americans, Native Hawaiians, and Pacific Islanders as a whole were uninsured between 2004 and 2006, compared to 15 percent of non-Hispanic Whites.^{xlix} Disaggregated data suggest even greater disparities in access to care: for instance, the rate of uninsurance among Koreans is 36 percent.¹ Furthermore, current coverage for those who do receive insurance is often limited to medical benefits and frequently does not extend to mental health services. Despite Medicaid's success in ensuring that millions of low-income Americans can access health care services, efforts to expand eligibility (for example, to low-income adults without dependent children) are needed. However, any reform to Medicaid should protect Early Periodic Screening, Diagnosis, and Treatment (EPSDT) as a mandated benefit to children. In addition, policymakers need to repeal onerous proof of citizenship requirements to avoid loss of coverage among eligible individuals, or, at a minimum, to ensure that states have maximum flexibility to implement citizenship requirements.

Covering all children should be a legislative priority. More than one out of every ten Asian American children are uninsured, and they are more likely than white children to go without health insurance.^{li} Children without insurance lack access to important preventive services, which unnecessarily puts them at risk of poorer health outcomes over their lifespans. Many low-income Asian American and Pacific Islander children rely on Medicaid and the State Children's Health Insurance Program (SCHIP) to access needed health services.

Blended Model of Care

Failure to address primary health, mental health and substance abuse services can lead to misdiagnosis and development of inappropriate treatment plans, and compromise the overall health of the individual. Contrary to the popular "model minority" belief that AAs and PIs have few, if any problems, many experience serious emotional/behavioral problems. Suicide ranks as the second leading cause of death for those aged 15 to 24.^{lii} At 7.95 per 100,000, the suicide rate for AA and PI women over the age of 75 is almost twice that for their white counterparts and more than six times greater than those for African American women at 1.18^{liii}. In a study of Cambodian refugees, the prevalence rates of acute levels of depression and post-traumatic stress disorder (PTSD) were 68 percent and 37 percent, respectively.^{liv} A further need to blend services is evidenced by the fact that AAs and PIs tend to enter the service delivery system through the health care system because of the stigma associated with mental health or substance abuse problems. Unfortunately, healthcare workers are inadequately trained to assess for behavioral health problems.



Lack of parity in health insurance is a major barrier to receiving care, yet having insurance does not guarantee quality care. Allowing insurance companies to define mental illness when setting limits on coverage, requiring higher co-pay and maximum out-of-pocket limits, and limiting the types of services covered work against patients seeking much-needed services.

Language Access

Language barriers contribute to many of the health disparities faced by AAs and PIs. According to the 2000 Census, more than one out of three Asian Americans, and about one in eight Native Hawaiians or other Pacific Islanders is limited English proficient (LEP). Among the 1 million AAs and PIs eligible for Medicare, almost two-thirds are limited English proficient.^{lv} In addition, more than 80 percent of Cambodian, Hmong, Laotian and Vietnamese American seniors age 65 and older are to LEP and live in linguistically isolated households.^{lvi}

Language access is critical to receiving proper care for AAs and PIs. Failure to do so can compromise the overall health of the individual due to misdiagnosis and development of poor treatment plans, including the inappropriate prescription of medication. Title VI of the Civil Rights Act obligates health care providers who receive federal funding to provide LEP patients with access to health care services equal to that of English speakers. In addition, Executive Order 13166 affirmed that the prohibition against discrimination based on national origin includes ensuring persons with limited English proficiency have equal access to federally funded health care and services. Despite these requirements, many LEP patients are refused this right which jeopardizes the patient's health, and in some cases, the patient's life. Dedicated resources are needed to assure the availability of language services and increased enforcement of Title VI is needed. It is also important to recognize that language access alone is insufficient to guarantee proper care. The service providers themselves must be culturally competent to guarantee appropriate services.

Health Disparities

As the nation and policymakers increasingly focus on national health care reform, providing more Americans with access to primary health care should be a top priority. True access to care requires more than health insurance. Community health centers provide culturally and linguistically appropriate preventive and primary care and act as the safety net to those with and without health coverage. Widening access to primary care is a critical first step not only toward improving health and fighting disease, but also to cutting costs and reducing reliance on hospital emergency rooms as the costly last resort for the medically disenfranchised and the uninsured. Furthermore, a well-trained workforce is the cornerstone of improving quality of services for Asian Americans, Native Hawaiians, and other Pacific Islanders. Without it, the disparities in quality care will never be eliminated. This holds true for all providers, regardless of discipline. And more disaggregated data and research on Asian American, Native Hawaiian, and Pacific Islander populations are critical to the development, monitoring, and implementation of evidence-based strategies that will assure the health and well-being of the communities.

In addition, targeted efforts should be directed towards eliminating health disparities experienced by AA and PI populations. For instance, chronic hepatitis B and associated liver diseases, including liver cancer, represent the greatest health disparity between Asian Americans and non-Asian Americans. Ten percent (10 percent) of Asian Americans are chronically infected versus 0.3 percent of the general population.^{lvii} And liver cancer incidence is 6 to 13 times higher for Asians.^{lviii} Furthermore, lung cancer is the predominant cancer affecting AAs and PIs, and is the number one cause of cancer death for all AA and PI ethnic groups, except Asian Indian women.^{lix} Liver cancer rates among males are 13 times higher among Vietnamese Americans, 8 times higher among Korean Americans, and 6 times higher among Chinese Americans than among white Americans.^{lx}



Reproductive Health

Access to family planning and comprehensive sexual health education are critical concerns for Asian American, Native Hawaiian and other Pacific Islander women. Yet many barriers commonly limit access to primary and reproductive health care services for many women and girls within the communities. For these women, particularly those with low incomes, the quality and accessibility of reproductive health care are further eroded by the trend to privatize health care systems as well as by cuts in public funding.

LGBT Health

There is limited research on the health concerns of lesbian, gay, bisexual and transgender (LGBT) individuals, and existing studies often fail to consider the needs of LGBT Asian Americans, Native Hawaiians, and other Pacific Islanders in particular. This lack of research combined with cultural isolation, racism and homophobia make LGBT AAs and PIs vulnerable to depression, higher rates of alcohol and substance abuse, and increased risk of HIV/AIDS infection. LGBT individuals in the AA and PI communities face barriers to accessing quality health care due to stigma and cultural stereotyping within the health care system itself.

RECOMMENDATIONS

Guaranteed Affordable Health Coverage

Reauthorize the State Children's Health Insurance Program (SCHIP). SCHIP is critical to assuring access to needed health services for children and pregnant women. SCHIP must be fully funded and enhanced to cover children up to 300 percent of the federal poverty level.

Repeal the Centers for Medicare and Medicaid August Directive. Centers for Medicaid and Medicare Services (CMS) directives require that states enroll 95 percent of children in families with incomes below 200 percent of the federal poverty line before using SCHIP funds to cover higher-income children. The methodological challenges involved in following this directive make it all but impossible to expand coverage to children whose families cannot afford private insurance, but earn more than the qualifying amount. This CMS directive should be superseded by policies that are more manageable, and provide coverage to more children.

Repeal proof of citizenship requirements in the Deficit Reduction Act (DRA) of 2006. A fundamental change included in the DRA of 2006 is the requirement that states obtain proof of citizenship from Medicaid applicants and recipients. This requirement is a cumbersome barrier to coverage for eligible low-income U.S. citizens and legal residents and has resulted in delays and drops in enrollment in Medicaid.

Support the Legal Immigrant Child Health Improvement Act (ICHIA). A provision of Welfare Reform legislation enacted in 1996 that has yet to be rectified is the disqualification of legal immigrants who have been in the U.S. for fewer than 5 years from Medicaid and the State Children's Health Insurance Program (SCHIP). Legislation of this nature would give states the flexibility to exercise the choices that best meet the needs of their populations.

Blended Model of Care

Support the Paul Wellstone Mental Health and Addiction Equity Act. The Wellstone Act would require group health plans to offer benefits for mental health and addiction services on the same terms as care for other conditions, which is much needed for AA and PI communities.



Support Recommendation IV.1 of the President's New Freedom Commission on Mental Health to improve the current workforce as a means to reduce disparities in quality care as it relates to mental health.

Support the Keeping Families Together Act. This act would provide competitive grants to be awarded to states for them to establish systems of care to treat and provide services to all eligible children and youth.

Language Access

*Support the codification of the disparate impact regulations of Title VI of the Civil Rights Act of 1964 to ensure equal access to services, including health related benefits, for persons with limited English proficiency. Ensure federal reimbursement is available through Medicaid, SCHIP and Medicare and ensure that all Medicare providers are required to comply. Enforce Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*.*

Increase the federal match for language services provided to Medicaid and State Children's Health Insurance Program enrollees to 90 percent.

Health Disparities

Support the Health Equity and Accountability Act of 2007. This comprehensive legislation introduced in the House would improve access to culturally and linguistically appropriate health care, promote health workforce diversity, improve data collection and reporting, reauthorize and strengthen the Office of Minority Health and improve health care services for racial and ethnic minorities.

Support funding to improve data on the health of Native Hawaiians and Pacific Islanders. Information on the health of Native Hawaiians and Pacific Islanders is not available from national surveys and datasets due to their relatively small national sample size. PIs are often lumped with "Other Asians" and their specific health needs masked.

Support community health center expansion. Community health centers provide culturally and linguistically appropriate preventive and primary care and act as the safety net to many within AA and PI communities with and without health coverage.

Support a federal mandate for routine HBV vaccinations for all high-risk populations, to specifically include adult AAs and PIs.

Support full funding for the Ryan White HIV/AIDS Treatment and Modernization Act of 2006 and increase funding for the Minority AIDS Initiative. Specifically, ensure funding for interpretation and translation core medical services for limited English proficient people living with HIV/AIDS.

Support the expansion of HIV community based research and increase funding for culturally competent prevention services. Culturally competent evidence-based interventions are a key strategy to HIV prevention in communities of color. Although Asian Americans, Native Hawaiians and Pacific Islanders account for 0.8 percent of all U.S. AIDS cases, the number of estimated AIDS cases increased from 1999 to 2003 at a higher rate (35 percent) compared to African Americans (8 percent), Latinos (7 percent), and Native Americans (21 percent). By comparison, AIDS cases decreased by 3 percent for whites.^{lxi}

Reproductive Health

Support the reauthorization of and full funding for the Family Violence Prevention and Services Act (FVPSA). Specifically, include language assistance and culturally competent services in the use of funds and



codify the establishment of technical assistance centers to address the needs of communities of color and immigrants. Forty-one to sixty percent of Asian women report experiencing physical and/or sexual violence by an intimate partner during their lifetime.^{lxii}

Support the Prevention First Act and the Responsible Education About Life (REAL) Act. Prevention First aims to reduce the number of unintended pregnancies, abortions and sexually transmitted infections by increasing access to information and services. The REAL Act would provide a dedicated federal funding stream to support comprehensive sexuality education that includes medically accurate, age-appropriate information about both contraception and abstinence.

Support the Freedom of Choice Act (FOCA). FOCA would codify the rights enumerated under *Roe v. Wade* and guarantee a women's right to choose as it relates to abortion.

LGBT Health

Support efforts to require health providers to incorporate culturally and linguistically appropriate health care practices when working with LGBT Asian Americans, Native Hawaiians, and Pacific Islanders.

Support efforts dedicated to health research to understand how discrimination related to sexual orientation, as well as gender identity and expression, adversely affect health-related behaviors among AAs and PIs.



IMMIGRATION

Asian Americans (AAs), Native Hawaiians, and other Pacific Islanders (PIs) need the next President to champion, and Congress to enact, comprehensive immigration reform that keeps families together, offers a path to citizenship for the undocumented, and is shaped by fundamental American values such as fairness.

Immigration policy is complex, its parts are tightly interwoven into a system of interrelated parts, and people from all parts of the political spectrum recognize that the current immigration system is “broken.” Only through a comprehensive restructuring of the immigration system can we produce the kind of changes that AAs and PIs need.

More than 15.5 million AAs and PIs live in the U.S. Over 60 percent of AAs and 4 percent of PIs are foreign-born, compared to just over 11 percent of all people in the U.S. The communities account for over 25 percent of the nation’s foreign-born population.^{lxiii}

Community members have arrived as refugees or asylum seekers, through H1-B and other employment-based programs, as students, as visitors, and as survivors of human trafficking. However, most AA and PI immigrants have arrived through the family visa system. In 2006, for example, 63 percent of immigrants from Asia came through family-based immigration.^{lxiv} AAs and PIs who are waiting for their family members to enter the country currently face some of the worst backlogs of any ethnic group. Approximately 1.5 million family members are waiting to enter this country^{lxv}, and will continue to wait for up to 22 years. The next President and Congress must strengthen families by preserving the family-based immigration system and make it more efficient.

AAs and PIs comprise 1.3 million of the estimated 12 million total undocumented population. Several countries in Asia and the Pacific Islands ranked among the top ten leading source countries for undocumented immigrants in 2006, including the China, India, Korea, the Philippines, and Vietnam.^{lxvi} These community members contribute substantially to their families, many of which include U.S. citizens, and to the national economy. They deserve the chance to earn U.S. citizenship, as have half of all Asian immigrants and one-third of Pacific Islander immigrants before them.^{lxvii}

AAs and PIs contribute to the national economy in a range of occupational capacities, from self-employed entrepreneurs to low wage and high-skilled workers. Nevertheless many of them are not treated with basic fairness by the federal and some local governments. For example, many lack access to due process in the courts, full labor protections, and essential health, safety, and educational services. In addition, many have become the object of selective enforcement of the law based on perceived religion or ethnicity. The next President and Congress must champion comprehensive immigration reform that is fair and humane: as many religious and community leaders continue to argue, immigrants must be treated as human beings who hold certain inalienable rights, whatever their immigration status might be.

KEY ISSUES

Keeping Families Together

Newcomers from Asia and the Pacific Islands access the immigration system as family members, students, employees, refugees and asylees, and in some cases without documentation. Family unity is a cornerstone of the American immigration system and most AAs can trace their roots in this country to the family-based immigration system. Yet community members waiting for their relatives to join them in this country face some of the worst backlogs of any ethnic or racial group. AA and PI U.S. citizens must wait between 6 and 22 years to be reunited with adult children and siblings after petitioning on their behalf, and spouses and children of lawful permanent residents must wait between 5 and 11 years to be eligible for immigrant visas.



Family members whose relationships are not deemed sufficiently close (such as grandparent and permanent partners^{lxviii}) do not qualify for admission. Thousands of community members, many of whom arrived in the U.S. as children and are the sole wage-earners for their families, face deportation even after paying the penalties imposed on them in courts of law. Strong families provide mutual support to help newcomers integrate with American society, and the country's immigration system must foster family unity.

Immigrant Workers

Most AA and PI immigrants work extremely hard to provide for their families, and their labor is essential to the American economy. All AA and PI workers, including those in low-paid positions who may lack documentation, are valuable to the United States. As described below, they need and deserve basic protections in the workplace, the opportunity to earn citizenship, and the opportunity to reunite with their families.

Highly educated and skilled immigrants from China, India, the Philippines, and other countries face waits of four to six years before they can become lawful permanent residents. Severe caps placed on H-1B visas make it difficult for AA and PI immigrants to come to the United States to fill jobs. Once they are here, due to immigration regulations, it is extremely difficult for these workers to change jobs and pursue professional opportunities.

Undocumented Immigrants

The backlog of family visas and the insufficient number of employment-based visas of any category are two major reasons why AAs and PIs sometimes become part of the undocumented population. Given the significant and growing AA and PI undocumented population, comprehensive immigration reform must put in place adequate and workable legal immigration channels, as well as a path toward citizenship

Due Process

Basic Rights of Immigrants

Protecting civil liberties and human rights for all is a core American value that defines the U.S. as a nation and is at the heart of the Bill of Rights. However, lacking fair and humane comprehensive immigration reform, the federal government and some jurisdictions have strayed from the principle that all people are entitled to certain inalienable rights, regardless of their immigration status. Immigrants are routinely denied effective access to courts of law, and judges and juries are often unable to make individual determinations in their cases.^{lxix} Personal rights to privacy have been compromised through unwarranted wiretapping and other forms of surveillance. AA Muslims, Sikhs, and others have been targeted with selective enforcement of the law because of their perceived ethnicity or religion.^{lxx} Abuses of individual rights have been buried in secrecy.^{lxxi} And AA and PI lawful permanent residents with even minor criminal convictions that may have been committed years before the enactment of deportation laws are being detained for long periods of time and then deported,^{lxxii} without individualized assessments on whether they constitute a flight risk or pose a danger to the community, and without a fair day in court.

Immigrant Detention

Detention facilities are often not held accountable for providing essential medical care to detainees, including those who are HIV-positive, need hormone therapy or other periodic treatment, or have serious illnesses; for enabling detainees to keep in contact with legal counsel; for keeping lesbian, gay, bisexual or transgender detainees safe from abuse; or for enabling detainees to practice their religion. As well, given



the high number of limited English proficient immigrants who are detained, language access is a prevailing need.

Military Commissions Act of 2006 (MCA)

The Military Commissions Act of 2006 (MCA) instituted many provisions that severely restrict the rights of certain detainees held on terrorism charges, including denying their right to challenge their detention, convicting individuals for actions that were not illegal when taken, and prohibiting full and fair hearings. *Habeas corpus* protections in particular have been denied to many detainees, including non-citizens from South Asia, thereby depriving them of the fundamental rights to challenge their imprisonment and be aware of evidence being used against them.

“Enforcement-only” (or “Deportation-only”) Approaches to Immigration

Few argue that enforcement should not be part of comprehensive immigration reform. However, enforcement measures such as the rounding up and deportation of immigrants should not be made the defining aspects of reform. Instead, AAs, PIs, and America need comprehensive immigration reform that is fair and humane, and is oriented around strengthening the nation through a wide range of policies that help immigrants to become productive members of society, as they have been throughout American history.

If forward-looking comprehensive immigration reform is not enacted in the near future, many AA and PI immigrants fear that they will increasingly become the targets of unduly harsh enforcement policies at the federal, state, and local levels. Frustrated by the perceived inability of the federal government to effectively manage immigration, a number of cities, counties, and states have taken matters into their own hands and enacted policies that criminalize, discriminate against, or deny basic rights to non-citizens. Examples include denial of access to public schools, hospitals (including emergency care), housing, and public parks. This trend has had a devastating impact on many AAs and PIs, including landlords, tenants, business owners, workers, and students, regardless of their immigration status. Particularly disturbing is the deputization of local police officers to enforce complicated federal immigration laws. This trend raises concerns that racial profiling will become more widespread and immigrant victims of or witnesses to crimes will increasingly avoid cooperation with police for fear of deportation.^{lxxiii}

Aggravating the current political climate is the ramping up of "interior enforcement strategies" by the U.S. Immigration and Customs Enforcement (ICE) agency. ICE raids at worksites, homes (for example, in the case of a Vietnamese American family in Southern California^{lxxiv}), and college campuses (for example, in the Korean American community^{lxxv}) separate families and drive immigrants further into the shadows. Such enforcement measures increase the chances that immigrants and people who may appear to be immigrants will be discriminated against and denied basic rights. In addition, they contribute to a climate that legitimizes anti-immigrant sentiments.

Barriers to Integration^{lxxvi}

Barriers to Naturalization

Recently the U.S. Citizenship and Immigration Services (USCIS) significantly raised fees for naturalization, despite widespread opposition. However, it appears that the greater revenue has not resulted in improved services. USCIS continues to struggle to provide culturally and linguistically appropriate outreach and services. In addition, there is concern that newly redesigned citizenship tests, which may feature questions that are obscure or require subjective answers, will present unnecessary barriers for the large percentage of AA and PI immigrants who are limited English proficient (LEP).



The inability of USCIS and related agencies to process applications in a timely manner creates undue delays that may preclude applicants from registering to vote or to secure jobs that require U.S. citizenship. In addition, many AA and PI immigrants, particularly within the South Asian community, have been required to pass lengthy security-related background checks when applying for lawful permanent residency and naturalization.

Material Support

Many Southeast Asian refugees have experienced difficulty adjusting status in the U.S. because of material support provisions and overly broad definitions of “terrorist activity” and “terrorism” in the PATRIOT Act and the REAL ID Act. These laws have unintentionally labeled groups such as Hmong and Montagnards who fought alongside the U.S. during the Vietnam War as having been involved in “terrorist activity” because of their allegiance with the U.S. In addition, people (including family members) who provided any form of help to those who fought alongside U.S. soldiers have been labeled “terrorists,” as have people who were forced to provide support to rebel groups under threats of violence.

Education

Education is a key vehicle for integration, and as immigrants become better educated they become more valuable to the American economy and their families. However, English as a Second or Other Language (ESOL) training resources are in short supply, and undocumented students are often unable to pursue higher education. See the Education Section for further information.

Employment Verification of Immigrants

If implemented, current attempts to expand electronic employment verification systems in the U.S. and proposals to send out joint notices by the Social Security Administration and the Department of Homeland Security (“SSA no-match letters”) would have a detrimental impact upon AAs and PIs. Employers would be forced to use these highly unreliable systems to confirm the immigration status of employees, who may be unjustly terminated based on the suspicion that they lack work authorization. These systems may also encourage unscrupulous employers to oppose labor organizing efforts with threats of negative immigration consequences, and thereby drive more AA and PI workers into underground economies.

Policies such as those attached to the REAL ID Act, which requires the creation of unwieldy systems for documenting and proving personal identity and immigration status, create multiple complications, including turning driver’s license agency employees and local law enforcement agencies into *de facto* immigration officers; opening the doors to discrimination and profiling through the selective enforcement of ID-checks; and leaving people more vulnerable to removal from the U.S. resulting from database inaccuracies that are beyond their control.

Guestworker Programs, Workplace Exploitation and Trafficking

Inadequacies of the American immigration system have led employers to use guestworker programs, which, many argue, tend to lower labor standards and working conditions for all workers in the U.S. Existing guestworker programs operate with few safeguards to ensure employer accountability and create environments in which guestworkers can be exploited. For example, approximately 100,000 guestworkers from Asia, Latin America and Africa were recruited to help rebuild the hurricane-devastated regions of the South. Among these workers, hundreds were recruited from India to work in Mississippi where they endured cramped and unsanitary housing, lack of access to cooking facilities and verbal abuse from their employers. Employers fired workers who attempted to organize a union and withdrew immigration sponsorship, rendering many of the workers undocumented. By tying lawful immigration status to



employer control, many guestworkers are at the mercy of their sponsors.^{lxxvii}

Widespread abuse of AA and PI immigrants by employers occurs in many sectors including the garment, domestic, agricultural, and restaurant industries. Workers are often unpaid or underpaid, and forced to work long hours in conditions that violate health and safety standards. Various labor protection laws related to union organizing and worker conditions currently fail to cover domestic workers or agricultural workers as protected classes of employees.^{lxxviii}

The demand for cheap labor, lack of regulation, and lack of labor law enforcement contribute to the flourishing of human trafficking. The U.S. Department of State estimates that between 14,500 and 17,500 people (most of whom are women) are trafficked into the U.S. annually^{lxxix} with people from East Asia and the Pacific representing the largest segment.^{lxxx}

Needs of Domestic Violence Survivors

Self-petitioning under the *Violence Against Women Act* helps many spouses of citizens or green card holders to obtain legal status without the assistance of their abusive partners. However, many domestic violence survivors who are on other visas (such as H-4 visa holders who are not married to U.S. citizens or lawful permanent residents) or who are undocumented may be unable to gain work authorization and permission to remain in the country. Although such individuals may be eligible for the “U visa,” only 10,000 such visas are made available annually, and survivors must participate fully with law enforcement in order to obtain them.

RECOMMENDATIONS

Keeping Families Together

As part of comprehensive immigration reform that is fair and humane, eliminate current immigration backlogs and provide adequate numbers of family-based visas.

Preserve the family-based immigration system, and ensure that it serves to reunite AAs and PIs with their spouses, permanent partners, parents, minor children, siblings, and other close relatives.

Immigrant Workers

Ensure that all AA and PI workers have access to basic protections in the workplace, the opportunity to earn citizenship, and the opportunity to reunite with their families.

Ensure that adequate numbers of H-1 B visas are made available. The nation and the communities benefit when the highly skilled immigrant workers are welcomed to the U.S.

Undocumented Immigrants

Provide a path to citizenship for the nation’s undocumented population. Undocumented immigrants make great contributions to the American economy and their families, many of which include members who are American citizens. They deserve the opportunity to earn U.S. citizenship.

Due Process

Basic Rights of Immigrants



While enacting comprehensive immigration reform, fully incorporate the American tradition of respecting and protecting the rights of individuals to due process, including fair proceedings, and ensure that systems are in place to guarantee government accountability and transparency.

Ensure that all people in the United States have effective access to essential health, safety, and educational services.

Support greater community access, efficiency, and accountability within government agencies, such as the Department of Homeland Security, the Department of State, and the Federal Bureau of Investigation by establishing or strengthening AA and PI community advisory committees, as well as cultural sensitivity trainings that benefit from community input.

Immigrant Detention

Ensure that the rights of immigrant detainees to personal safety, medical care, and legal counsel are respected.

Military Commissions Act of 2006 (MCA)

*Repeal the Military Commissions Act of 2006. Ensure that all people under the jurisdiction of U.S. law have access to due process within the legal system, and that their rights to *habeas corpus* are protected.*

“Enforcement Only” (or “Deportation Only”) Approaches to Immigration

Oppose “enforcement-only” or “deportation only” laws at the federal, state and local levels. At least until acceptable immigration reform is in place, impose a moratorium on the deportation of immigrants simply because they lack documentation.

Oppose policies that authorize, train, or provide additional authority to local and state police to enforce federal immigration law, as well as policies that deny basic public services to immigrants. These measures result in separated families and disruptions to the economy, and threaten the public health and safety of all community members.

Barriers to Integration

Barriers to Naturalization

Require USCIS to take greater intentional measures to ensure that AA and PI communities are informed about changes to immigration and naturalization processes through a robust outreach program, and consider partnering with local AA and PI ethnic community-based organizations in doing so. Special attention should be paid to the needs of elderly and disabled refugees and immigrants.

Expedite security-background check delays plaguing change of status applications, and ensure that such checks do not disproportionately target individuals based on their national origin or religious affiliation. In addition, ensure that administrative and database errors will not negatively impact community members.

Require independent assessment and data collection in order to ascertain the costs and benefits of increased application fees and changes in requirements for immigration-related benefits among AAs and PIs.



Material Support

Require the implementation of material support legislation passed and signed into law in December of 2007. This legislation must be implemented effectively to ensure that refugees and asylees in the U.S. are able to adjust their status and become fully integrated.^{lxxxix}

Education

See the Education Section of the *Platform*.

Employment Verification

If an employment verification system must be implemented, ensure that adequate safeguards are in place. There is widespread opposition to the mandatory use of employment verification systems. Nevertheless, if one is implemented, the following minimum standards that must be put in place: 1) adequate time for employers and employees to confirm and correct information in the E-verify system, with special consideration for limited English proficient individuals, transgendered persons, and others who may experience special difficulties with compliance; 2) clear guidelines and an outreach plan to ensure that employers are educated on the appropriate usages of verification; 3) penalties on employers who misuse employment verification systems to pre-screen applicants, carry out racial profiling, or intimidate workers; 4) a federal guarantee to address the gross inaccuracies currently present in the SSA, ICE, and other databases; 5) the creation of more communication channels so that employers and employees have greater access to employment verification system data and technical support infrastructure; and 6) protection for workers against termination solely due to any mismatch. In addition, federal legislators should stage Congressional hearings, hosted by the Congressional Asian Pacific American Caucus (CAPAC), on the unique conditions AA and PI workers will face with regard to any employment verification system.

Guest worker Programs, Workplace Exploitation and Trafficking

Strengthen and expand existing labor protection laws and agencies. Current labor laws and their implementation must be improved to ensure that all workers have the ability to organize and bargain collectively, and to protect vulnerable workers in all industries. Labor law enforcement agencies must be adequately funded to ensure full enforcement of existing labor protections. In addition, there must be an increase in resources and the use of testing for wage and hour, safety, and anti-discrimination laws.^{lxxxii}

Needs of Domestic Violence Survivors

Ensure that all domestic violence survivors, independently of their abusive spouses, can petition for work authorization and permission to remain in the U.S.

ⁱ Nakanishi, Don T. 2003. Asian American Politics: An Agenda for Research. In *Asian American Politics: Law, Participation, and Policy*. Pp. 93-112. Lanham, MD: Rowman & Littlefield Publishers, Inc.

ⁱⁱ Bendixen & Associates and The Tarrance Group for New California Media. September 14, 2004. Poll of Asian Pacific Islanders on the 2004 Presidential Election.

ⁱⁱⁱ Based on 2006 population figures downloaded from www.census.gov on 1/7/08. Chicago: 2,896,016; Los Angeles: 3,849,378; Miami: 404,048; New Orleans: 223,388; New York: 8,214,426. Note: All Census figures offered in this document relate to populations "alone or in combination with one or more other races."

^{iv} US Census Bureau, Selected Population Profile in the United States, 2006 American Community Survey.

^v 2006 figures: U.S. Census Bureau, Selected Population Profile in the United States, 2006 American Community Survey. 2000 figures: U.S. Census Bureau. *The Asian Population: 2000*. Census 2000 Brief.



- ^{vi} Based on 2005 population: US Census Bureau. March 1, 2007. “Facts for Features: Asian/Pacific American Heritage Month: May 2007.”
- ^{vii} 2005 figures: U.S. Census Bureau. March 1, 2007. “Facts for Features: Asian/Pacific American Heritage Month: May 2007.” 2000 figures: U.S. Census Bureau. *The Native Hawaiian and Other Pacific Islander Population: 2000*.
- ^{viii} U.S. Census Bureau. March 1, 2007. “Facts for Features: Asian/Pacific American Heritage Month: May 2007.”
- ^{ix} 2000 Census disaggregated data for 24 Asian and 23 Native Hawaiian and Other Pacific Islander ethnic communities.
- ^x U.S. Census Bureau. February 2007. *The American Community – Asians: 2004*. P. 14.; U.S. Census Bureau. May 2007. *The American Community – Pacific Islanders: 2004*. P. 13.
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- ^{xiv} Contrary to the needs of the American economy, severe caps placed on H-1B visas make it difficult for highly educated and skilled immigrants from China, India, the Philippines, and other countries to come to the U.S. to fill jobs, and once they are here it is very difficult for them to change employment and pursue professional opportunities due to immigration restrictions. In addition, they face waits of between four and six years before they can become lawful permanent residents.
- ^{xv} The DREAM Act would provide improved access to higher education and a path towards citizenship for high school graduates who might otherwise be ineligible.
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- ^{xvii} Ong, Paul. The Affirmative Action Divide. In *Asian American Politics: Law, Participation, and Policy*. P. 395. Lanham, MD: Rowman & Littlefield Publishers, Inc.
- ^{xviii} The Federal Glass Ceiling Commission. March 1995. *Good for Business: Making Full Use of the Nation’s Human Capital*. P. 6
- ^{xix} Equal Employment Opportunity Commission. December 8, 2005. Press Release: New Gallup Poll on Employment Discrimination Shows Progress, Problems 40 Years After Founding of EEOC - <http://www.eeoc.gov/press/12-8-05.html>
- ^{xx} Testimony of James D. Standish, Director of Legislative Affairs – Seventh Day Adventist Church World Headquarters Submitted Pursuant to the Request of the Subcommittee on Health, Employment, Labor & Pensions, United States House of Representatives on the Workplace Religious Freedom Act (H.R. 1431). February 12, 2008. P. 18.
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- ^{xxx} Office of Advocacy, U.S. Small Business Administration. 1999. *Minorities in Business*. Pp. 22 & 25.
- ^{xxxi} U.S. Census Bureau. *The American Community – Asians: 2004*, American Community Survey Reports, P. 21; U.S. Census Bureau. *The American Community – Pacific Islanders: 2004*, American Community Survey Reports, P. 20.
- ^{xxxii} 2000 Census, HCT59 in SF4.



- ^{xxxiii} U.S. Census Bureau. The American Community – Asians: 2004, American Community Survey Reports, P. 21; U.S. Census Bureau. The American Community – Pacific Islanders: 2004, American Community Survey Reports, P. 20.
- ^{xxxiv} Rather than address the challenge of delinquent loan portfolio management by enforcing loss mitigation requirements of lenders, the state of Hawaii has placed the burden on families by reducing their ability to access equity they own for purposes that any other citizen may apply it to, including small business start ups, college tuition, debt consolidation, and refinancing to capture lower interest rates. This policy change is an extraordinary negligent policy that allows lenders to victimize FHA 247 borrowers, reduce and restrict access to family equity owned, and will result in increased hardships on families by being locked out of one of the most important assets used to survive economic upheavals.
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- ^{xlv} U.S. Department of Education, National Center for Education Statistics. The Condition of Education 2007, Characteristics of Full-Time Teachers, Table 33-1 (NCES 2007-064). Washington, DC: U.S. Government Printing Office.
- ^{xlvi} 457 U.S. 202 (1982).
- ^{xlvii} See the Civil Rights Section re: affirmative action.
- ^{xlviii} These states include California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, and Washington.
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- ^{lvi} Asian American Justice Center, "A Community of Contrasts: Asian Americans and Pacific Islanders in the United States Demographic Profile" Pg. 12 available at <http://www.advancingequality.org/files/ComCont.pdf>
- ^{lvii} Asian Liver Center at Stanford University. 2005. *Hepatitis B in Asian Americans*. http://liver.stanford.edu/Edu/Edu_hepbinasians.php
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- ^{lxi} CDC, 2004
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^{lxiv} Office of **Immigration** Statistics 2006 Yearbook, p. 27 -

http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2006/OIS_2006_Yearbook.pdf.

^{lxv} Asian Pacific Fund. Asian Outlook – Understanding the Immigration Debate. Fall/Winter 2006.

^{lxvi} U.S. Department of Homeland Security, Office of Immigration Statistics. August 2007. *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2006*.

^{lxvii} In 2003, 11.7 percent of all people in the U.S. were foreign-born, and 25 percent of all foreign-born people in the U.S. were from Asia. (U.S. Census Bureau. August 2004. *The Foreign-Born Population in the United States: 2003*)

In 2004, 75.8 percent of Koreans in the U.S. were foreign-born, as were 74.3 percent of Asian Indians, 70.5 percent of Vietnamese, 69.9 percent of Chinese, 66.2 percent of Filipinos, and 41.9 percent of Japanese. These figures are for people who reported only one ethnic or racial designation to the Census. (U.S. Census Bureau. February 2007. *The American Community – Asians: 2004*. U.S. Census Bureau. May 2007. *The American Community – Pacific Islanders: 2004*.)

^{lxviii} Human Rights Watch and Immigration Equality. 2006. *Family, Undervalued: Discrimination, Denial, and the Fate of Binational Same-Sex Couples Under U.S. Law*. New York, NY.

^{lxix} Undocumented immigrants are routinely denied access to courts prior to deportation, and judicial discretion is severely limited for those who do have access to the courts.

^{lxx} See information on NSEERS and racial profiling below.

^{lxxi} For example, the death of Young Sook Kim, a Korean immigrant, due to inadequate medical care in detention was not reported to government authorities as required by law but only came to light through the efforts an independent advocate. (Bernstein, Nina. June 26, 2007. “New Scrutiny as Immigrants Die in Custody.” *The New York Times*.)

^{lxxii} Based upon a 2005 Department of Homeland Security report, 208,521 individuals have been removed from the U.S. with criminal and non-criminal charges. AAs and PIs account for about 2% of total deportations and detentions.

^{lxxiii} For example, many AA and PI immigrant families will likely be confused about immigration law and the role of police in enforcing it, and will be less likely to seek help from the police when they need it. Families with members of mixed immigration status may feel especially wary of contacting police. In addition, the deputization of local police to enforce immigration laws will increase the chances that AAs and PIs who “look foreign” to police will be singled out for attention that more “American-looking” individuals would receive.

^{lxxiv} USA Today. October 16, 2007. “Immigrant’s Family Detained After Daughter Speaks Out”

http://www.usatoday.com/news/washington/2007-10-16-Dream_N.htm

^{lxxv} Santa Barbara Independent. May 31, 2007. “**Immigration** Raid Challenged, Government Agents Arrest UCSB Student”.

<http://indy.liberationmedia.com/news/2007/may/31/immigration-raid-challenged>

^{lxxvi} See the Education Section of the Platform re: English as a Second or Other Language (ESOL) education.

^{lxxvii} FAIR Website. Federation for American Immigration Reform. January 2004. “What’s Wrong with the Proposals for a New Guestworker Program?; NILC Website. National Immigration Law Center. March 2, 2006. “Senate Judiciary Committee Considering Flawed Immigration Reform Bill”.

^{lxxviii} Workplace Fairness, *Retaliation for Union Activity*. See also Human Rights Watch, *Hidden in the Home: Abuse of Domestic Workers with Special Visas in the United States* (June 2001).

^{lxxix} U.S. Department of Justice, *Attorney General’s Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons: Fiscal Year 2005* (2006).

^{lxxx} U.S. Info.State.Gov website.

[http://64.233.169.104/search?q=cache:55vopdjgodgJ:usinfo.state.gov/gi/Archive/2005/Jan/06-705748.html+U.S.+Department+of+State+estimates+14,500+and+17,500+people+\(most+of+whom+are+women\)+are+trafficked+into+the+U.S.+annually+East+Asia+and+the+Pacific&hl=en&ct=clnk&cd=1&gl=us](http://64.233.169.104/search?q=cache:55vopdjgodgJ:usinfo.state.gov/gi/Archive/2005/Jan/06-705748.html+U.S.+Department+of+State+estimates+14,500+and+17,500+people+(most+of+whom+are+women)+are+trafficked+into+the+U.S.+annually+East+Asia+and+the+Pacific&hl=en&ct=clnk&cd=1&gl=us)

U.S. Department of State International Informational Programs. January 6, 2005. FACT SHEET: SEX TRAFFICKING, THE UNITED STATES, AND EUROPE.

^{lxxx} HR2764 – Consolidated Appropriations Act, page 521, in Sec. 691(a)

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:h2764enr.txt.pdf

^{lxxxii} For further information and recommendations on labor, please see the Economic Justice section of the Platform.