

# The Benefits of Commonsense Immigration Reform

## Asian American Immigrant and Refugee Communities



*“We value these voices because from the very beginning, ours has been a nation of immigrants; a nation challenged and shaped and pushed ever forward by diverse perspectives and fresh thinking. And in order to keep our edge and stay ahead in the global race, we need to figure out a way to fix our broken immigration system -- to welcome that infusion of newness, while still maintaining the enduring strength of our laws. And the service and the leadership of Asian Americans and Pacific Islanders have proved that point time and again.”*

***--President Barack Obama, May 28, 2013***

From family members hoping to reunite with loved ones to high skilled scientists and entrepreneurs to undocumented DREAMers, Asian American and Pacific Islanders (AAPI) are a [rapidly growing](#) immigrant population in the United States. In 2011, [25% of the foreign born population](#) in the United States came from Asian countries. Asian immigrants also [make up 11%](#) of the 11 million undocumented immigrants in the United States, living and working in the shadows, unable to fully participate in our society.

Immigrants from Asia [naturalize at the highest rates](#) of those who choose to become American citizens. Given the importance of immigration to the community, AAPIs are [overwhelmingly supportive](#) of the President’s efforts to fix our broken immigration system. In 2012 poll conducted by the Asian American Legal Defense and Education Fund conducted, [65% of AAPI voters](#) supported commonsense immigration reform.

The President has made clear that Democrats, Republicans, and Independents in Congress must work together to enact commonsense immigration reform and bring our legal immigration system into the 21st century. On June 27, 2013, the Senate, with a strong bipartisan vote, passed historic legislation that is largely consistent with the

President's principles for reform. The bill would continue to strengthen border security, create a path to earned citizenship for undocumented immigrants, hold employers accountable, and bring our legal immigration system into the 21<sup>st</sup> century so that it better meets the needs of families, employers, and workers.

The Senate's Border Security, Economic Opportunity and Immigration Modernization Act (S. 744) represents a good opportunity for our country to fix our immigration system, and key provisions would have significant and lasting benefits for the AAPI community.

**The bipartisan Senate bill would reunite families by eliminating the backlog of family-based visas. Current family immigrant visa backlogs can separate family members for years and even decades.**

- Family-based immigration is the most common pathway to the United States for Asian immigrants. In 2011, [almost 248,000 Asian immigrants](#) became green card holders through petitions filed by their U.S. citizen or permanent resident family members.
- As of November 1, 2012, there were [1.8 million Asian family-based immigrant visa](#) applicants waiting to join their families in the U.S. Immigrant visa applicants born in mainland China and India must wait up to 12 years depending on their visa category. Immigrant visa applicants born in the Philippines must wait up to 23 years depending on their visa category. Some [54% of Asian Americans surveyed](#) said that visa backlogs presented a significant problem for their families.
- The Senate bill would eliminate the visa backlog in part by exempting spouses and unmarried children of lawful permanent residents from annual limitations on family-sponsored green cards, treating them like spouses and children of U.S. citizens.
- By adopting backlog reduction measures and increasing the limit on the number of immigrants allowed each year from individual countries, the Senate bill will eliminate current family visa backlogs in seven years and reduce future wait times for nations with the highest rates of immigration.

**The Senate bill would provide a lengthy but fair path to earned citizenship, bringing undocumented members of the AAPI community out of the shadows and creating an expedited path for DREAMers.**

- There are an estimated [1.3 million undocumented immigrants](#) from Asia in the United States.
- The Senate bill would allow undocumented immigrants to apply for Registered Provisional Immigrant (RPI) status if they entered the United States by December 31, 2011 and meet a rigorous set of eligibility requirements, including registering, paying fees, fines, and taxes, learning English, and passing extensive background checks. RPI status would be renewable after six years, allowing immigrants to live and work in the United States.

- Individuals with RPI status will have work authorization, be permitted to travel outside of the country, and be able to apply for RPI status for their children and spouse living in the United States.
- The Senate bill also provides an expedited five-year path to earned citizenship for DREAMers, making them eligible for citizenship immediately after applying for green card status if they held RPI status for at least 5 years, were younger than 16 when they initially entered the U.S., earned a high school diploma or a GED certificate in the U.S, and completed at least 2 years of college, earned a bachelor's degree or served in the military for at least 4 years with an honorable discharge.
- [Six percent](#) of potential DREAMers are of Asian origin.

**The Senate bill would increase the number of employment based visas and eliminate restrictions on the number of immigrants from populous nations like India and China.**

- In fiscal year 2012, more than [91,000 individuals](#) born in Asia obtained green cards through employment-based immigrant visa petitions.
- But immigrants from India and China can wait [10 years or longer](#) for some employment-based immigrant visas. Close to [93,000 individuals](#) waiting in the employment-based immigrant backlog as of November 1, 2012, are from Asian countries.
- The Senate bill would eliminate the existing backlogs for employment-based green cards, exempts certain employment-based categories from the annual cap, and remove annual country limitations altogether.
- In 2009, Indian immigrants represented [56% of all Masters](#) students seeking degrees in computer science and engineering, and China and India sent nearly half of all foreign nationals pursuing science, technology, engineering, and math (STEM) doctorates. Almost [half of Asian immigrant adults](#) have a bachelor's degree or higher.
- The Senate bill would exempt STEM PhD and Master's graduates from the annual cap of 140,000 visas. This provision would effectively "staple" a green card to the diplomas of advanced STEM graduates from U.S. universities.
- The Senate bill would also exempt certain physicians from the overall visa cap. In 2009, 58% of all immigrant doctors, and [52% of immigrant nurses](#) were from Asian countries.

**The Senate bill would create new visa pathways for immigrant entrepreneurs and investors and make key improvements to the H-1B program.**

- China, India, and Korea are in [the top ten sending countries of immigrant entrepreneurs](#), the Senate bill would create a new visa program for foreign entrepreneurs to start and grow their businesses in the United States.
- The new INVEST visa ("Investing in New Venture, Entrepreneurial Startups, and Technologies") would allow entrepreneurs who attract a threshold level of financing from U.S. investors or revenue from U.S. customers to start and grow

their businesses in the United States, and to remain permanently if their companies grow further and create jobs for American workers.

- The Senate bill would also improve the EB-5 Immigrant Investor Program, and increase the number of available green cards for immigrant investors from approximately 10,000 annually to approximately 14,000 annually.
- Petitioners from India (64%) and China (7.6%) [continue to be the largest users of the H-1B](#) program. The Senate bill would increase the number of available H-1B visas by raising the baseline cap from 65,000 visas to 115,000 visas per year.
- Improvements to the H-1B program would allow spouses of H-1B visa holders to work in the U.S and increase worker mobility by establishing a 60-day transition period for H-1B workers to change jobs.