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Practitioner Essay

Reimagining Immigration for a New Generation

Erin Oshiro

Abstract

Do Asian Americans and Pacific Islanders (AAPIs) have a stake in the immigration reform discussion? What types of immigration laws and policies would best serve our community's diverse interests? This article first looks at how AAPIs continue to be impacted by federal immigration laws. Second, it identifies specific immigration policies that need reform and suggests some potential creative policy solutions. Finally, it offers ideas for how—and why—AAPIs can continue to engage in the fight for immigration reform.

Immigration is the most controversial, yet least understood issue in America.

Jose Antonio Vargas, Filipino American journalist and immigrant
(Kandil, 2014)

Introduction

While the Asian American and Pacific Islander (AAPI) community continues to grow and welcome many new immigrants, our community has also called America our home for decades.¹ Some AAPI communities have long and deep ties to this country. But, as a collective, AAPIs are also—in both reality *and* public perception—newcomers and foreigners, sometimes exotic but often suspicious. Much of this has to do with America's immigration laws and policies and how they uniquely impact the AAPI experience.

In recent years, outdated and restrictive federal immigration laws have resulted in an untenable situation that does not serve our national, community, or economic interests. Arbitrary numerical limits on green cards keep families separated for decades and prevent businesses from accessing critical employees in a timely manner. Individuals, the majority

of whom are Asian nationals, admitted as temporary workers or students find it difficult to transition to permanent resident status. Consequently, restrictions on legal immigration contribute to significant growth in the undocumented immigrant population as individuals continue to come to the United States seeking better opportunities for themselves and their loved ones—papers in hand or not. At the same time, our immigration enforcement system undermines our principles of fairness and due process. While our immigration system is complex, the Asian American immigration experience both informs and contributes to a holistic approach to reform.

Snapshot: AAPIs and Immigration Today

Immigration touches both Asian American and Pacific Islander communities, although sometimes in unique ways, because both have sizable immigrant populations.² A discussion on the future of immigration policy in America and its implications for AAPIs should be grounded in our historical and current reality. The history of racist immigration laws and policies specifically directed at Asian nationals is well documented (Hing, 2004; Takaki, 1998), although still not widely known outside the AAPI communities. From 1875 until the early 1950s, Asian immigration was essentially barred. For those Asians who did find their way to the United States, the Supreme Court ruled in *Ozawa v. U.S.* (1922) and *U.S. v. Thind* (1923), respectively, that Asians were not free white people and could be denied naturalized citizenship. Not until the Immigration and Nationality Act of 1952 and amendments in 1965 were race-based restrictions on immigration and naturalization eliminated (Hart-Celler Act, 1965; McCarran-Walter Act, 1952; U.S. Department of State, Office of the Historian). Accordingly, it was not until after 1965 that Asian nationals were able to immigrate to the United States in large numbers and the Asian American community began to grow significantly.

The overwhelming majority of Asian Americans today are immigrants or the children of immigrants, which means that immigration policies continue to significantly impact our community. According to the 2010 Census, there are more than seventeen million Asian Americans in the United States and approximately 60 percent of them are foreign-born—the highest proportion of any racial group (Asian American Center for Advancing Justice, 2011, 3).³ Many Asian American immigrants are fairly recent newcomers as nearly one in three of the 9.2 million Asian American immigrants came to the United States between 2000 and 2009 (*ibid.*, 17). For more than a decade now, the majority of immigrants to the

United States are from Asian countries (U.S. Department of State, Bureau of Consular Affairs, 2000–14).⁴ In 2014 alone, more than one million Asian nationals arrived in the United States—the vast majority arriving with temporary worker or student visas (U.S. Department of State, Bureau of Consular Affairs, 2014a), but many also arrived as refugees and individuals seeking asylum.

Many Asian immigrants came and still come to the United States as refugees due to volatile conditions, war, or strife in their countries of origin. Between 1975 and 2006, the United States admitted 1,306,355 East Asians as refugees to the United States, more than half of the total 2,671,012 refugee population (U.S. Department of State, 2006). Asian refugees increased in recent years and now many Burmese and Bhutanese nationals come to the United States as refugees. For example, in 2011, more than half of new refugees arriving in the United States are from Burma and Bhutan combined (Martin and Yankay, 2013).

As of 2012, approximately 1.3 million Asian American immigrants are undocumented (Baker and Rytina, 2012, 4). Individuals from China, the Philippines, India, Korea, and Vietnam, respectively, comprise the largest number of undocumented Asian immigrants. In addition, due to outdated immigration laws that created years-long backlogs, more than 1.8 million Asian nationals are waiting for visas to reunite with a family member or for permanent employment visas (U.S. Department of State, 2014). Compared to the number of Asian Americans in the United States, Asian nationals represent a disproportionate number of individuals waiting in the visa backlogs (Asian American Center for Advancing Justice, 2011, 19).⁵ Further, the overwhelming majority of temporary workers (especially individuals in the United States on “H-1b” visas) and foreign students are now from Asia (U.S. Department of State, Bureau of Consular Affairs, 2014b).⁶

Immigration law also shapes Pacific Islander communities’ demographics and experiences. While Native Hawaiians born in the United States, as well as individuals born in Guam and the Commonwealth of the Northern Mariana Islands, are automatically citizens, other Pacific Islander communities are increasingly immigrating to the United States. Like Asian Americans, immigration from the Pacific Islands increased dramatically after 1965. For example, immigration to the United States from Oceania tripled between the 1960s and 1970s (Ong, Ong, and Ong, 2016, 5).⁷ By 2000, nearly one in five Pacific Islanders were foreign-born and nearly three-quarters entered since 1980 (*ibid.*).⁸ Among the diverse Pacific Islander community, Fijian, Marshallese Americans, and Palau-

an Americans are more likely to be foreign-born (Empowering Pacific Islander Communities and Asian Americans Advancing Justice, 2014, 22).

Pacific Islanders who are noncitizens come to the United States with different types of immigration statuses depending on their country of origin. For example, people from American Samoa are “U.S. nationals,” which means they can live and work legally in the United States, serve in the military, and qualify for most federal benefits. But U.S. nationals cannot vote in the states unless they become naturalized citizens (*ibid.*, 21). Some other Pacific Islanders are able to work and live in the United States under the Compact of Free Association (COFA), but they are technically considered “nonimmigrants” for purposes of federal immigration laws (*ibid.*). COFA migrants are eligible to serve in the U.S. military but they are ineligible for most federal benefits. Finally, many Pacific Islanders come from countries with no special relationship with the United States, and they must use the same channels for legal entry and naturalization as any other foreign national. The different immigration statuses among Pacific Islanders mean they may have unique needs and challenges that should be addressed by improved policies beyond just immigration. For example, allowing COFA migrants to access federal benefits, including health care, does not need to be characterized as an immigration matter. Further, future policy changes should acknowledge the special and complex relationships that many Pacific Islander nations have with our country.

We cannot predict future immigration trends with exact certainty but the U.S. Census Bureau forecasts that while the number of AAPI immigrants will grow between now and 2040, the proportion of AAPIs who are immigrants will decrease (Brown, 2015; Ong et al., 2015). For Asian Americans, the percentage of foreign-born and native-born will reach numerical parity (Ong et al., 2015) and for Pacific Islanders the foreign-born will decrease from 20 percent in 2015 to 17 percent in 2040 (*ibid.*, 5–6). This will represent something of a return to our community’s pre-1965 demographics when, due to exclusionary immigration laws, there were more native-born AAPIs than foreign-born. As the proportion of AAPI immigrants decreases, how will our community’s positions on immigration policy change? Outside our community, will some non-AAPIs continue to view Asian Americans as the “perpetual foreigner,” or will our community finally achieve recognition as full Americans—and what would that mean?

Reimagining Immigration in America

At this moment—fifty years after our modern immigration system was created, twenty years after harsh enforcement laws were put in place, and after a decade of failed attempts to reform our immigration laws—we take the opportunity to step back and reimagine what “immigration reform” could mean. If we could completely reinvent our immigration laws, what would we put in place? We do not have space in this article to discuss detailed legislative proposals. But we do present several broad principles that we propose should underlie our future immigration system.

Reexamining Immigration’s Purpose

As a starting point, we suggest that America needs to clarify the purpose of our immigration policy. Without a purpose or objective, we foresee a continuing struggle between people’s expectations and the federal government’s policies and practices. For example, the Immigration and Nationality Act of 1965 prioritized family reunification, but our system of numerically limited family-based visas now results in families being separated for many years. Similarly, laws prohibiting businesses from hiring or employing undocumented workers did not lead to a smaller undocumented population, rather, it forced vulnerable workers without papers into the underground economy. Our humanitarian-based policies for refugees and asylees may no longer meet the changing needs of displaced populations and human rights norms. A fundamental reexamination of the purpose of our immigration policy is necessary to achieve a functioning immigration system that serves America’s interests long into the future.

Our Legal Immigration System Needs More Flexibility

A lesson from our current system is that our immigration regime should be more dynamic and responsive to changing conditions, including economic ups and downs, evolving notions of family, and global factors such as political instability and climate change that will force people to migrate. Presently, America’s legal immigration is mostly governed by arbitrary and outdated numerical caps that limit the number of family members and workers (permanent and temporary) who can come to the United States each year from each country. For nearly two decades, demand for visas has far outstripped the number of available visas, which is why there are now years-long backlogs for more than four million family members and workers (U.S. Department of State, 2014). The back-

logs disproportionately impact certain countries, including several Asian countries, because the numerical limitations do not account for population differences among sending countries, the relative visa demand in some countries versus others, and/or any historical or significant ties between the United States and specific countries (i.e., a land border with Mexico or former colonial relationship with the Philippines). The backlogs represent millions of families putting their lives on hold while they wait for a loved one living abroad, who may miss important life events such as weddings, graduations, and even deaths. Similarly, the lack of immediate visas means employers cannot quickly hire workers for critical jobs. Numerical limits also prevent many Asian temporary workers and students from remaining in the United States and transitioning to a permanent immigrant status (National Foundation for American Policy, 2009; Ruiz, 2014).

America needs an immigration system that balances predictability with flexibility. For example, the United States currently issues sixty-five thousand temporary “H-1b” visas each year to certain skilled workers (Immigration and Nationality Act, 1965, § 214(g)(1)(A)(vii)).⁹ What if our businesses need more than sixty-five thousand such workers in a given year? Our system lacks the ability to adapt timely to changing market conditions. Immigration law’s definition of *family* is similarly limiting. It was not until after the 2013 Supreme Court decision in *U.S. v. Windsor* that same-sex married couples were recognized for immigration purposes. Should the federal government be in the business of determining which family relationships are most important to citizens and legal permanents, or should private individuals have the ability to determine that for themselves? We need to embed mechanisms in our immigration system that allow for flexibility and adaptation. We also need to break out of our current paradigm of a numerically driven country-based immigration system. Our decisions about who we welcome should not be based solely on numerical limits dictating that only X number of family members can come or that businesses only need Y number of immigrant workers. For example, we could consider establishing numerical minimums for certain types of visas and creating specific criteria for when the numerical limits could be increased (or even lowered), or a commission could be empowered to authorize additional visas in a given year if certain circumstances exist. Or we could permit individual petitioners to demonstrate compelling circumstances why they should be exempt from a numerical limit (e.g., specific health needs, death of a family member in the United States, starting a family business, or another unique business

need). The law could also be more fluid in terms of which family members are eligible for visas. Our current system is rigid in terms of which family members can obtain visas and it privileges certain family relationships over others. But what if a U.S. citizen's only surviving relative is her brother—should she have to wait a decade or more to be reunited? Our laws should be more reflective of the diverse family situations that exist today. The current system also unnecessarily pits different classes of immigrants (from different countries) against one another because of rigid definitions. Workers are family members and family members are workers—the distinctions in their visas are arbitrary.

“One-Size-Fits-All” Policies May Not Work

We should be wary of one-size-fits-all policies. The current needs of AAPI immigrants are not always the same as the needs of other immigrant communities. To be sure, all Americans have an interest in creating a functioning immigration system. But specific policy solutions do not necessarily benefit all immigrants equally. The Deferred Action for Childhood Arrivals (DACA) program is a recent example.

Launched in 2012, DACA is an important form of administrative relief that provides temporary protection from deportation and grants work authorization to certain undocumented young people. AAPI leaders were at the forefront of the activism that resulted in DACA. Unfortunately, three years later, relatively few eligible AAPIs have applied for the program (Batalova, Hooker, and Capps, 2014, 13). There are many reasons why AAPI application rates are lower compared to other communities, but one reason is that AAPIs are warier of DACA's temporary nature. It seems that more AAPIs would prefer to hold out for a permanent solution to their unauthorized status, meaning that a program that thousands of Latinos have applied for has not had the same impact in AAPI communities. It also points to the fact that like any constituency, AAPIs must evaluate immigration proposals to determine who will benefit and who will, potentially, be harmed. No national policy will ever be perfect. But AAPIs cannot relinquish their growing power and just assume that an immigration policy beneficial to our interests and values will magically arrive.

Much attention is paid to immigration as an economic driver—and it certainly is. Research amply demonstrates that, overall, immigration is good for our national economy. Immigrants add to our economy as workers, business owners (who create jobs for other Americans), taxpayers, and consumers. For example, immigrants are more likely to start

businesses than native-born Americans (Stengler and Wiens, 2015).¹⁰ Americans often hear about the immigrants who transformed Silicon Valley, including the founders of Google, Yahoo, or Intel, or that a significant number of Fortune 500 companies were started by immigrants or their children (Partnership for a New American Economy, 2011, 6). But research and everyday life shows that small local immigrant-owned businesses are just as important to our economic growth and vitality. Immigrants own more than a quarter of local businesses, such as gas stations, dry cleaners, nail salons, and restaurants (Kallick et al., 2015, 5). Immigrant business owners and entrepreneurs have helped revitalize many urban neighborhoods and reverse economic declines (*ibid.*). Asian Americans are almost half of these so-called Main Street immigrant business owners (*ibid.*). Beyond business owners, immigrant workers are also significant economic contributors. Undocumented immigrants paid more than \$11 billion in state and local taxes in 2012 alone (Gardner, Johnson, and Wiehe, 2015, 2). Having more legal immigrants is a plus for the economy; undocumented immigrants who are able to achieve legal status will likely increase their earnings and be able to contribute even more as taxpayers and consumers (Lynch and Oakford, 2013, 4).

Our immigration policies should support the economic vitality of immigrants. For example, in recent years, many leaders have proposed admitting ever-greater numbers of immigrants with science, technology, engineering, and math (STEM) expertise, or making it easier for foreign students educated in the United States in STEM fields to remain here. However, America should be careful of putting in place short-sighted policies that will repeat the same problems. Certainly, individuals in the STEM fields will be important but there is an open debate about the future growth in these areas, as well as a question about whether there is truly a lack of native-born workers with these skills and expertise (Schaub, 2014). Other relevant changes, including America's aging baby boomer generation and greater educational attainment among native-born Americans, mean we will also continue to need individuals with different skills (often considered lower-skilled workers) and immigrants will help fill critical gaps in our workforce (Partnership for a New American Economy, 2013).¹¹ Experiences in countries like Canada that implemented preferences for high-skilled workers have found that there is often a mismatch between the immigrants admitted and the types of workers needed in the economy, meaning that even high-skilled immigrants end up unemployed or underemployed (Benderly, 2013; Chalinor, 2011, 8–9). Also, policies that disproportionately favor individuals

with STEM backgrounds or other advanced degrees will likely mean that fewer women will be able to immigrate to the United States because, globally speaking, women often have less educational access and career opportunities that would provide those types of skills or credentials.

The United States needs an immigration policy that will meet our needs over the long term and that likely means ensuring robust immigration opportunities for immigrants—men and women—with a variety of skills and expertise. In an increasingly global and transnational environment where people and industry are more fluid, we should move beyond mere quota systems that look only at numbers and countries of origin. We will likely need a hybrid system that takes into account national origin and diversity, family relationships, skills, education, and other factors, but where admission to the United States is not dictated by only one or two criteria. For example, some individuals advocate for a “points-based” system, similar to Canada’s model, that admits immigrants based on specific characteristics set forth in the law (e.g., educational attainment, employment experience, English or French ability, and age). There could be a positive way to integrate some elements of a “points-based” system, but we would need to ensure that we do not create a system in which only the most well-educated or highly skilled English-speaking individuals can immigrate, and we should preserve channels for family- and employment-based immigrants. For example, the Senate’s 2013 bipartisan immigration bill added a points system alongside our current visa categories, but analysis of the bill suggested that women and people with less education or “lower skilled” workers would find it very difficult to immigrate using the points system. Also, the points system in the Senate’s bill was added at the unnecessary expense of other existing visa categories. We can have a system that looks more holistically at individuals and evaluates the value they will add to America, but we need a thoughtful discussion about the relative weight of various factors. For instance, the adult child of a U.S. citizen who is moving here to help start a family business could very well have the same “value” as a STEM worker. We hope that future reform discussions will have space for creative thinking and dialogue such as this.

We Must Reframe Immigration Enforcement

Respect for human and civil rights must be at the heart of our immigration system. The national mythology is that America is a nation of immigrants. At best, this is an incomplete story. Asian Americans, perhaps most sharply, know that our immigration history and laws tell a story

about who is good, who is desirable, and who we do not want at any given time. As our diversity increases and immigrants continue coming here for better opportunities, Americans must think critically about how we view immigrants and how immigration enriches our community and America overall. Policy makers and the media often rely upon an artificial distinction between “good” immigrants who create jobs and have advanced degrees and “bad” immigrants who take jobs from Americans or live on welfare. AAPIs and all Americans must avoid falling into this false trap of viewing immigrants as simply good or bad. We should collectively reject policies that exacerbate these false dichotomies or create further inequality.

To that end, America needs an enforcement regime grounded in fairness, due process, and proportionality.¹² Since 1996, with the passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), immigration enforcement has been marked by record levels of deportations and detention of immigrants, many of whom are long-term residents with deep community ties, as well as militarization of our southern border. Over time, the increased linkage between our criminal and immigration (which is, strictly speaking, civil) systems has been devastating for communities and has reinforced the notion of good versus bad immigrants. Southeast Asian Americans and some Pacific Islander communities are disproportionately affected. Many Southeast Asians came here as refugees and struggled to rebuild their lives in this new country. Traumatized by war and violence in their home countries, they often experienced poverty, linguistic and cultural barriers, a lack of services, and sometimes violence as they adjusted to their new homes (Fordham Law School, 2010). Some Southeast Asian individuals, many of whom were legal permanent residents, ended up with criminal convictions but did not understand the severe immigration consequences that could follow. Data suggests that Southeast Asians are deported due to criminal convictions at a rate three times higher than other immigrants (Transactional Records Access Clearinghouse, 2016). A more humane enforcement system would not automatically impose the harsh consequence of deportation and the attendant separation from family and community on individuals who have completed their criminal sentences and, in many instances, have turned their lives around.

Moving forward, we need to ensure greater due process in our immigration enforcement policies given how great the stakes are for individuals facing deportation from the United States. For example, IIRIRA essentially eliminated the ability of immigration judges to provide de-

portation relief to individuals with certain criminal convictions. We should restore judicial discretion to provide relief because judges are in the best position to make such determinations based on the equities and negative factors presented in individual cases. Federal law should go even further to provide court-appointed publicly funded attorneys to represent indigent individuals in deportation proceedings. Currently, not even unaccompanied minor children are provided publicly funded legal representation in immigration court. We also need to consider creative and international strategies for ensuring national security, public safety, and rule of law. Do Americans need to partner more with Canada and Mexico to address border-crossers so that we promote safety, human dignity, and the efficient flow of commerce? At a minimum, America should completely decouple our criminal and immigration systems and begin a new conversation on effective enforcement policies.

Reaffirming Commitment to Humanitarian Relief for Immigrants

A third component to our immigration policy should be how the United States addresses humanitarian crises. Beginning with the waves of Southeast Asian refugees in the late 1970s, Asian Americans had and continue to have a strong connection to our refugee and asylum policies. Large numbers of Burmese and Bhutanese now come to the United States as refugees. However, similar to our visa system and our enforcement regime, our humanitarian-based policies also need to be strengthened, if not reimaged. Two recent examples highlight why America must continue to welcome individuals seeking refuge. In the years since 9/11, it has been increasingly difficult for individuals to come to the United States as refugees because of national security concerns (Human Rights First, 2009). In recent months, there have been calls to halt the admission of Syrian refugees despite the unprecedented humanitarian crisis in Syria, some even going so far as to propose a ban on all Muslim immigrants. How legitimate are these concerns, or are they a pretext for racial and/or religious profiling? The United States has struggled to handle an increased rise in women and children fleeing violence in parts of Central America (Human Rights First, 2015). In general, our asylum laws do not protect individuals who are “merely” fleeing dangerous situations but are not being specifically targeted for violence (Immigration and Nationality Act, 1965, § 101(a)(42)(A); Notess, 2014).¹³

Should our laws be updated to reflect our changing norms and beliefs about human rights? For example, there is increasing attention to the impact of climate change on different populations, including Pacific

Islands that will be affected by rising sea levels. What rights would so-called climate refugees have under existing law? Our current policies are generally ill-equipped to handle these new types of crises, and America should consider new approaches for a changing world. We may also want to consider the treatment of unauthorized immigrants as a form of humanitarian relief rather than our current practice of addressing this through enforcement. Viewing unauthorized immigrants as individuals in need of assistance and relief instead of lawbreakers who need to be deported would mean a radical shift in how we handle the issue of undocumented immigrants. As a matter of self-interest but also as global citizens, the AAPI community should be a part of developing forward-looking solutions that enable us to continue welcoming people seeking protection for a multitude of reasons.

AAPIs Can Play a Role in Reinventing Our Immigration System

As we write this article in 2016, we are far from the dynamic, balanced, and compassionate immigration system that we envision. Congress has been unable to pass even minor changes to our immigration laws, and it is anyone's guess when the next opportunity for meaningful reform will come. But what can our community do to build toward a redefined immigration system?

First, our community must continue supporting and elevating the leadership of immigrants, especially young undocumented AAPIs who are at the forefront of the immigration reform movement. In the past decade, an increasing number of undocumented youth became active in local student groups at their college campuses, and came together to organize for federal legislation that could provide them with a pathway to legal status (Quach, 2009). A bill known as the "Dream Act" (Development, Relief and Education for Alien Minors) was introduced in part after U.S. Senator Richard Durbin from Illinois heard the story of a young undocumented Korean American woman. Tam Tran, a stateless undocumented student from Vietnam, later became the first undocumented immigrant to testify in Congress in 2007 (U.S. House of Representatives, 2007). AAPI activists continue to raise the visibility of immigration as an issue important to our community. In 2011, Jose Antonio Vargas, a Pulitzer Prize-winning journalist, "came out" as an undocumented immigrant from the Philippines in the *New York Times* magazine (Vargas, 2011). In 2013, a "dreamer" from South Korea, Ju Hong, interrupted President Obama during a public event to urge the president to halt deportations (Delreal, 2013). These emerging leaders bring fresh ideas and energy to

the fight for immigrants' rights (and the broader civil rights movement), and they will play a critical role in achieving the types of reforms we desire. We must continue including these new leaders in policy discussions and decision making because they are immigrants who will be directly impacted by changes in our immigration laws and policies. At the same time, we must create more opportunities for emerging leaders to tell their stories in their own voices, rather than co-opting their lived experiences or treating their stories as mere media hooks. Steps such as these will help ensure new leaders feel supported and empowered.

Second, AAPIs must continue building alliances with other communities seeking not just better immigration policies but also stronger human and civil rights across the board. Our vision of immigration laws is not just about helping immigrants and their families. Rather, it is rooted in a mission to advance civil and human rights for Asian Americans and to build and promote a fair and equitable society for all. Welcoming new Americans and creating a strong immigration system benefits everyone. So, as AAPIs and other immigrants seek to build coalitions to advance immigrants' rights, we should also work with partners to advance other social justice issues, including criminal justice reform, the rights of LGBTQ individuals, educational equity, and environmental justice. Our communities are collectively stronger when we work in true partnership toward common goals.

Third, as a community we should be mindful of our changing demographics and the potential policy implications. As mentioned earlier, the native-born AAPI population will be increasing over time relative to the foreign-born population. Our community is becoming even more diverse as newer ethnic communities grow while other ethnic communities may experience higher rates of marrying out (i.e., marrying non-AAPIs). And the immigration patterns and experiences of each ethnic community may be somewhat different. For example, a well-educated professional arriving from India or China may find it easier to integrate and succeed than a Bhutanese refugee living in poverty. But, both individuals may also be confronted with Americans who are unfamiliar with our community, diversity, and histories. How can AAPIs—native-born and immigrant—overcome outsiders' misperceptions of us as perpetual foreigners: people who keep their heads down and get good grades? We do not know the answers to these and other difficult questions, but we suggest that a strong awareness of our own evolving community will be important. As AAPIs, we have a responsibility to educate ourselves about our own community and to learn how we are changing. We should care

about the challenges of poverty and low educational attainment hurting many Southeast Asian and Pacific Islander communities. Similarly, we should be mindful of the fear and trauma many Sikh, Arab, Muslim, and South Asian Americans still experience in the post–September 11 world of profiling, surveillance, and hate crimes. We need more dialogue among and between our different ethnic groups in order to achieve a greater common understanding of what it means to be AAPI in 2040 and beyond. At the same time, we should continue to think about where AAPIs fit in the larger discussions about race in America. What are we bringing to that dialogue, and how can we contribute to a more equitable society? A greater awareness of our own community’s diversity, strengths, and challenges will allow us to maximize our growing political power.

Conclusion

Most Americans understand that our immigration system desperately needs change, and this is an excellent opportunity to galvanize the creativity and political will to imagine an entirely new vision of what our immigration system could or should be. We hope that this essay sparks a conversation among Asian Americans, Native Hawaiians, and Pacific Islanders—and our allies—so we can proactively move toward an America that truly welcomes and embraces newcomers.

Notes

1. This article will not specifically address Native Hawaiians, nearly all of whom are native-born and, therefore, U.S. citizens. According to recent data, only 1 percent of Native Hawaiians are foreign-born.
2. This article does not discuss the different historical policy considerations that may have resulted in different treatment of Asian nationals and Pacific Islanders with regard to immigration.
3. Number combines “Asian alone” and “mixed race.”
4. For purposes of this article, immigrant means any individual in the United States who is foreign-born living in the United States. We do not mean immigrant as defined by federal law.
5. Asian Americans sponsor more than one-third of all family-based immigrants. Asian nationals represent 86 percent of individuals waiting for a permanent employment-based visa.
6. E.g., nearly 450,000 student visas were issued to Asian nationals in 2014 compared to almost seventy thousand visas for European nationals.
7. This excludes immigration from Australia and New Zealand.
8. Data is Native Hawaiian-inclusive but does not include migration from U.S. territories.

9. An additional twenty thousand H-1b visas may be issued annually for individuals who earned a master's or higher degree from a U.S. institution of higher education. See Immigration and Nationality Act, 1965, § 214(g)(5).
10. E.g., Stengler and Wiens (2015) found that in 2012 "[i]mmigrants were almost twice as likely to start businesses . . . as native-born Americans."
11. Immigrant workers also play a critical role in shoring up the Social Security Trust Fund. See Partnership for New American Economy, 2013.
12. By "enforcement regime," we mean enforcement in the interior of the United States as well as our borders and ports of entry (e.g., airports). Interior enforcement generally refers to the detection, apprehension, detention, and/or removal of an immigrant in a place other than the border or a port of entry.
13. To qualify for asylum, a person must prove she was persecuted or has a well-founded fear of persecution based on her race, religion, nationality, membership in a particular social group, or political opinion. See Immigration and Nationality Act, 1965, § 101(a)(42)(A). It can be difficult for individuals from countries with "weak rule of law and generalized violence" to obtain asylum because it is more difficult to prove a person was targeted for any of the five protected grounds (or a protected ground was the "central reason" for the persecution) and also if the violence is perpetrated by nonstate actors.

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