



## 2010 SEARAC Policy Priorities

Southeast Asians are the largest refugee group to be resettled in the U.S.<sup>1</sup> In the aftermath of the Vietnam War, over one million refugees escaping war and persecution in Cambodia, Laos and Vietnam were resettled in the U.S.<sup>2</sup> Today, there are nearly two million Southeast Asian Americans who make their homes throughout this nation.

The following policy issues are those that the Southeast Asia Resource Action Center (SEARAC), in cooperation with locally based community organizations and leaders across the country, have identified as having significant impact on Southeast Asian American communities. As such, these priorities will serve as a guide for SEARAC's policy work in 2010.

While the following policy priorities and recommendations are tailored to Southeast Asian communities, they are also issues that affect the broader American population and communities across the U.S.

### **Immigration**

It is expected that this year the U.S. Congress and the Administration will pursue comprehensive reforms to our nation's immigration laws and policies. Due to the significant impact such reforms will likely have for Southeast Asian Americans, SEARAC intends to play a proactive role in promoting reforms that are in the best interest of our communities. As an endorsing organization of the Reform Immigration for America campaign, SEARAC proudly stands in a united national effort to work toward comprehensive immigration reform that includes: (1) legalizing the status of undocumented immigrants working and living in the United States; (2) reuniting families, protecting workers' rights, and ensuring a secure future flow of immigrants; (3) implementing smart, effective enforcement measures; (4) prioritizing immigrant integration; and (5) respecting the due process rights of all persons in the U.S.

Immigration reform will affect Southeast Asian American communities in many ways. From the ability to re-unify with family members, to legalization, workers rights and the security of our nation, Southeast Asian Americans have a huge stake in immigration reform.

Integration provisions in immigration policies are of great significance to newer American communities, including Southeast Asians. The integration of immigrants and refugees in the U.S. is essential to their success and full participation in society; however, numerous barriers prolong and complicate this

---

<sup>1</sup> Office of Refugee Resettlement, pg. ii, [http://www.acf.hhs.gov/programs/orr/data/ORR\\_2007\\_report.pdf](http://www.acf.hhs.gov/programs/orr/data/ORR_2007_report.pdf)

<sup>2</sup> Southeast Asian American Statistical Profile, SEARAC, pg.10, 2004

process. The struggling economy creates additional barriers for new immigrant and refugees seeking adequate resources for job training and employment.

Southeast Asian Americans are also greatly affected by deportation provisions of current immigration laws. In 1996, Congress passed *the Antiterrorism and Effective Death Penalty Act (AEDPA)* and the *Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)*. These laws dramatically increased the kinds of offenses for which noncitizens (including legal permanent residents) can be detained and deported. The laws were made to be retroactive; meaning a legal permanent resident who was convicted of an “aggravated felony” prior to the passage of the law can still face deportation. In addition, the laws severely restrict the ability of immigration judges to consider the individual circumstances of a person before ordering them to be deported. This is especially troubling to refugees, particularly those who fled their homelands in fear of persecution and came to the U.S. as children. As adults who now identify themselves as Americans, they will face significant barriers if deported back to those very countries they once fled. In addition, deportation greatly hurts the American families—including U.S. citizen children, spouses, parents and other dependents—of those who are deported.

## **Immigration Recommendations**

- Immigration reform must include the restoration of discretion to immigration judges, allowing them to review and determine deportation cases on an individual basis as well as narrow the definition of “aggravated felony” to reflect proportionality and the American system of justice.
- SEARAC strongly opposes the deportation of individuals who were admitted to the U.S. as refugees back to the countries they fled in fear of persecution. Deportation policies should take into consideration whether individuals will be exposed to human rights violations if deported.
- Immigration reform must ensure that all integration programs and services, including naturalization testing, fees and waivers, are adequately accessible to those who are low income, English language learners, the elderly and other vulnerable individuals.
- Immigration reform must include adequate funding of resources to ensure the continuity and expansion of integration programming including job training, English and naturalization courses. A significant portion of these resources must be available and accessible for local immigrant and refugee community based organizations serving communities in need.
- The promotion of family unification and the strengthening of the family based immigration system should remain a priority in immigration reform.
- Immigration reform must ensure that the millions who are undocumented in the U.S. are able to fully contribute to our society through a strong legalization program.
- Immigration reform must also include strong provisions that would secure our borders and communities, ensure the future flow of immigrants and develop a fair and workable employer verification system in a manner that values the rights and fair treatment of all individuals and communities.

## **Aging**

Many Southeast Asian American elders face numerous barriers to attaining services that adequately address their needs. One such area of significance is in long term care. For example, among Southeast Asian Americans 65 and older in California, over 90% live in family households, as opposed to institutional alternatives<sup>3</sup>. There are limited services that allow elders to remain in their own homes, and there are even fewer opportunities for culturally and linguistically specific services that would support the independence and living choices of elders.

In addition, as part of the 1996 “Welfare Reform,” Supplemental Security Income (SSI) was restricted to a seven-year limit for elderly and disabled refugees and humanitarian immigrants who are not able to obtain their citizenship within that time frame. As a result, thousands of elderly and disabled refugees have and will continue to lose their benefits. While a two year extension to SSI was passed by congress in 2008, the extension will no longer be available beyond 2011.

For many elderly and disabled refugees, SSI provides the bare minimum for survival—no more than \$674 per month for an individual and \$1,011 for a couple<sup>4</sup>. The average monthly payment in January 2008 was \$637 for an individual and \$956 for an eligible couple.<sup>5</sup> The loss of SSI contributes to poverty among many aging Southeast Asian Americans and adds to the challenges of achieving full integration and participation in American society.

### **Aging Recommendations**

- Ensure adequate and stable funding and resources for programs that support the independence of elders who choose to live outside of institutional facilities.
- A long term legislative solution must ensure that elderly and disabled refugees and humanitarian immigrants do not lose their SSI if they are unable to successfully naturalize. In addition, benefits must be restored for those who have already lost their SSI.

## **Education**

The educational needs of many Southeast Asian American students are often overlooked because of the “model minority myth” – a misconception that all Asian Americans excel academically and face no obstacles. This misconception overshadows the dire needs of individual Asian American ethnic groups and further hinders any actions that should be taken to address these disparities.

In fact, Southeast Asian Americans in particular face significant educational disparities. When compared to 80% of the overall U.S. population, disaggregated data reveals that only 47% of Cambodian, 41% of Hmong, 51% of Laotian, and 62% of Vietnamese Americans aged 25 and over hold a high school degree or higher.<sup>6</sup>

---

<sup>3</sup> SEARAC (2003). *Southeast Asian Elders in California: Demographics and Service Priorities Revealed by the 2000 Census and a Survey of Mutual Assistance Associations (MAAs) and Faith-Based Organizations (FBOs)*, 14.

<sup>4</sup> Social Security Administration. Eligible amount effective January 2009, [www.ssa.gov](http://www.ssa.gov)

<sup>5</sup> Social Security Administration, SSI payments for January 2008, [www.ssa.gov](http://www.ssa.gov)

<sup>6</sup> U.S. Census. 2000.

While 2,000 American high schools produce approximately half of America’s dropouts, students of color are four times more likely than their counterparts to attend one of these low-performing “dropout factories.”<sup>7</sup> Students of color and low-income students, including Southeast Asian Americans, are often faced with a significant lack of high quality resources and services, resulting in low enrollment in rigorous courses, low graduation rates and high numbers of students unprepared for college, work and life after graduation. Unfortunately, some of our students who leave high school prepared for college, work and life may face additional barriers due to their immigration status. Undocumented Southeast Asian American students who arrived in the U.S. as young children face further changes accessing higher education, meaningful careers and are unable to fully contribute to American society because of their status.

With a lack of disaggregated achievement and education attainment data, Southeast Asian American students, many who attend these under-resourced and low-performing schools, will not receive the appropriate resources and support they need to succeed in education.

## **Education Recommendations**

- Increase federal investment in, and support for, community-based organizations that provide culturally appropriate academic and enrichment services to Southeast Asian American high school students, particularly those who are English language learners, primary caretakers, parents, students with special needs, at-risk of leaving or have already left high school.
- Require schools to provide culturally and linguistically appropriate education-related resources and services to limited English proficient Southeast Asian American parents and families in order to increase parental involvement in education-related decision making.
- Increase federal investment in, and support for, institutions of higher education, such as the Asian American and Native American Pacific Islander Serving Institutions (AANAPISI) Program, which provides grants to fund programs for Asian American students. These programs include outreach to K-12 students, culturally appropriate academic and social retention services to Asian American college students, research and courses on Asian Americans and partnerships with community-based organizations.
- Increase the inclusion and integration of Southeast Asian American histories and experiences into K-12 coursework to accurately portray involvement in American history and present-day events as well as increase inclusion and decrease bias-based tensions in schools.
- Increase federal incentives for states and school districts with significant proportions of Southeast Asian Americans to collect, report and utilize achievement and education attainment data that is disaggregated by ethnicity to better reflect the real experiences and needs of individual Asian American student subgroups, particularly Southeast Asian Americans.

---

<sup>7</sup> A Plan for Success: Communities of Color Define Policy Priorities for High School Reform. 2007. Campaign for High School Equity. [www.highschoolequity.org](http://www.highschoolequity.org).

- Increase access to higher education for all students by supporting legislation like the Development, Relief, and Education for Alien Minors Act (DREAM Act) that will allow immigrant students to fully participate and contribute to American society.

## **Health**

The United States spends more on health care than any country in the world; however, 45 million individuals in America lack health insurance<sup>8</sup> and nearly 1 in every 5 Southeast Asian Americans remain uninsured.<sup>9</sup> Southeast Asian Americans experience large health disparities and numerous barriers in accessing health care. As health care costs continue to rise, more people find themselves at risk of becoming uninsured. The reform of our health care system remains a priority this year, as does the need to continue advocacy efforts to ensure all communities have access to affordable quality health and mental health care.

## **Health Recommendations**

- Improve access to culturally and linguistically appropriate health care to ensure that limited English proficient individuals have proper access to health and mental health care resources and services.
- Improve data collection and the disaggregation of health data in order to accurately address the needs and health disparities within Southeast Asian American communities.
- Ensure access to affordable preventative care for low income communities to reduce preventative chronic health conditions prevalent in Southeast Asian American communities.
- Health care reform must remove the five year bar for legal immigrants to access Medicaid.

## **Refugee Rights**

SEARAC is deeply concerned by recent developments in Southeast Asia pertaining to the violation of universally accepted refugee rights. In spite of the efforts of human rights organizations, the United Nations High Commissioner for Refugees (UNHCR) and the United States Department of State, more than 4,000 Lao Hmong asylum seekers were forcibly repatriated to Laos in December 2009. It is generally thought that at least several hundred of this group have *bona fide* refugee claims. An additional 158 Lao Hmong, all of whom were already UNHCR-recognized refugees, were also involuntarily repatriated from the Nong Khai Detention Center in Thailand. The end of 2009 also brought the arrest and forced deportation of 20 Chinese Uyghur asylum seekers whose refugee claims were being considered by UNHCR in Cambodia. SEARAC remains committed to advocating for the respect of refugee rights and customary international law as it related to these rights.

---

<sup>9</sup> The Henry J. Kaiser Family Foundation. *Race, Ethnicity and Health Care: Health Coverage and Access to Coverage Among Asian Americans, Native Hawaiians and Pacific Islanders*.  
<http://www.kff.org/minorityhealth/upload/7745.pdf>

## Refugee Rights Recommendations

- The government of the Lao People's Democratic Republic (the Lao government) should grant immediate access to an internationally accepted, third party monitoring entity to ensure that all of the returnees are safe and that their needs are being met.
- The Lao government should allow UNHCR to have access to the returnees in order to implement an internationally accepted refugee status determination process in order to officially recognize those in the group who have *bona fide* refugee claims.
- Those individuals who have genuine refugee claims should be allowed to leave Laos to be resettled in host countries as soon as possible.
- Governments throughout Southeast Asia must work in cooperation to immediately stop forcibly returning refugees and those in the process of seeking asylum to the countries from which they fled.

**For more information about SEARAC's 2010 Policy Priorities, please contact us:**

**Main Office:** 1628 16th Street, NW • Washington, DC 20009 • **Tel:** (202) 667-4690 • **Fax:** (202) 667-6449

**California Office:** 1531 Corporate Way, Suite 100 • Sacramento, CA 95831 • **Tel:** (916) 428-7444 • **Fax:** (916) 428-7293

**Email:** [searac@searac.org](mailto:searac@searac.org) • **Website:** [www.searac.org](http://www.searac.org)