



## **Immigration Factsheet**

More new immigrants are coming from Asia than any other region. Sixty percent of Asian Americans are foreign born—the highest percentage of any racial group in the United States. Asian Americans also are the fastest-growing racial group. Many support immediate fixes to our nation’s broken immigration system.

The following are facts on how Asian Americans and Pacific Islanders (AAPIs) and their loved ones intersect with different aspects of our nation’s immigration laws. For more information on NCAPA’s stance on immigration, see the NCAPA Statement of Principles on Immigration on NCAPA’s website, [www.ncapaonline.org](http://www.ncapaonline.org).

### **Family-Based Immigration**

- The majority of Asians immigrating to the U.S. do so through the family immigration system.
- In 2012, 86 percent of visas issued for Asian countries were family based.
- Asian American citizens sponsor nearly one-third of all family-based visas annually.
- In 2012, 48 percent of Asians granted legal permanent status in the U.S. did so through family visas.
- Asian Americans are more likely than other group to have family members trapped in visa backlogs: 4.3 million people await family visas. Of that number, 1.8 million are from Asia.
- Family members caught in the backlogs wait decades—as long as 10 to 23 years—to be reunited with their families here. Immigrants born in mainland China or India must wait between three and 11 years. Filipinos must wait between three and 23 years.

### **Path to legalization for undocumented immigrants:**

- About 1.2 million Asian Americans are undocumented and seek a path to legalization. Many of them hail from China, followed by the Philippines, India and South Korea.
- There are many eligible Asian Americans who have not yet applied for Deferred Action for Childhood Arrivals (DACA), a program that defers immigration

enforcement for two years. The top Asian countries of origin for DACA are South Korea and the Philippines. As of August 2013, U.S. Citizenship and Immigration Services received 7,504 applications from people born in South Korea and 3,682 applications from people born in the Philippines.

### **Temporary Work Visas:**

- Six of the top 10 countries with H1-B or "high-skilled" visa holders are in Asia: India, China, the Philippines, Japan, South Korea and Taiwan. The duration of stay for a H1-B beneficiary is three years, extendable to six. H1-B visa holders have limited mobility and rely on an employer's willingness to file a petition to formally request for a worker to transfer and retain H1-B visa status.
- The H2-B program allows entry to workers from the Philippines and South Korea to perform one-time, seasonal labor for up to a year. Eligible Pacific Islands include Samoa, Fiji, Papua New Guinea and Tonga.
- H1-B and H2-B visa holders can bring immediate family members (spouse and children younger than 21) with them as dependents under an H-4 visa, but family members are not eligible to work.

### **Employment-Based Visas:**

- 80 percent of approximately 130,000 workers waiting for employment visas are from Asia.
- Workers in mainland China and India can wait for up to nine years—the longest wait for any nation besides Mexico. Filipino workers wait up to seven years.

### **Women:**

- 53 percent of AAPIs are women, predominantly from Japan, the Philippines and Thailand.
- Women are disproportionately trapped in the family visa backlog: 70 percent of immigrant women attain legal status through a family visa but many wait in line for decades.
- 59 percent of AAPI women overwhelmingly support a roadmap to citizenship for all undocumented immigrants.
- Only a quarter of all employment visas are given to women as primary workers.
- Two-thirds of immigrant women in the employment category enter as dependents on their spouse's visa and are not allowed to work.

### **Health:**

- Many young undocumented immigrants in college and those serving in our military (known as DREAMers or young adults granted deferred action under the DACA program) are barred from accessing options under the newly implemented Affordable Care Act.
- Federal laws impose arbitrary wait times for immigrants who have legal status, barring them from the same federal health programs they contribute to for five years or more.

- Approximately 5.5 million children live in mixed-status families. The majority (more than 4 million) are U.S. citizens, and many of their parents face challenges accessing health programs for their kids.

### **Lesbian, Gay, Bisexual and Transgender (LGBT):**

- At least 267,000 undocumented immigrants are LGBT. AAPIs represent a larger percentage of the LGBT undocumented immigrant population than the overall undocumented immigrant population (15 percent vs. 11 percent).
- Because the Supreme Court overturned Section 3 of the Defense of Marriage Act more than 14,000 same-sex couples with one partner who is a U.S. citizen or a legal permanent resident are able to begin the process of seeking lawful permanent residence.

### **Enforcement/profiling:**

- Harsh enforcement laws passed in 1996 (e.g., the Illegal Immigration Reform and Immigrant Responsibility Act and the Anti-Terrorism and Effective Death Penalty Act) have swept thousands of AAPIs into detention and the deportation process. They also stripped judges of the ability to release undocumented immigrants on bond or stop their deportations. More than 13,000 immigrants have received final orders of deportation to Cambodia, Laos and Vietnam since 1998, separating families and traumatizing refugee communities.
- Enforcement-only approaches to immigration, including programs that involve state and local law enforcement of federal immigration laws (e.g., Secure Communities and 287(g)) and those that target immigrants based on race, religion or national origin (including the National Security Entry-Exit Registration System), separate families, increase the vulnerability of survivors of domestic violence, sexual assault and other crimes and make society less safe by discouraging immigrants from contacting law enforcement.

**Sources:** Asian Americans Advancing Justice—AAJC; Asian and Pacific Islander American Health Forum; Asian Pacific American Labor Alliance; Migration Policy Institute; National Asian American Survey; National Asian Pacific American Women’s Forum; National Korean American Service and Education Consortium; National Queer Asian Pacific Islander Alliance; South Asian Americans Leading Together; Southeast Asia Resource Action Center; The Williams Institute, and the White House Initiative on Asian Americans and Pacific Islanders.