

## Developing Inclusive Immigration Protections and Policies

Session Description: This session examines how laws and systems are either harming or helping immigrants, but also highlights solutions to improve the wellbeing of immigrant communities in California. Speakers draw attention to the high levels of health and social risk factors uniquely affecting undocumented immigrants in the pandemic that intensified burdens associated with COVID-19 in health and economic contexts. Not only will discussion cover recommendations related to increasing access to resources and protections for undocumented immigrants, reducing barriers to health services, but this session will also provide space to dive into perspectives on the importance of dismantling outdated surveillance systems that unjustly afflict immigrant communities. Synthesizing lenses of public health, labor, and criminal law, the discourse presented here will conceptualize new avenues to supporting the great diversity of immigrant experiences in California.

*Moderator: Paul Chang*

*Adjunct Professor, Cal State LA, School of Public Administration*

*Researcher: Jennifer Chun*

*Associate Professor in Asian American Studies and Chair of International Development Studies at UCLA*

*Researcher: Hiroshi Motomura*

*Professor, UCLA School of Law; Co-Director, Center for Immigration Law & Policy*

*Researcher: Astghik Hairapetian*

*Law Fellow, UCLA School of Law*

*Researcher: May Sudhinaset*

*Professor, Community Health Sciences, UCLA*

*Community reactor: Phal Sok*

*Community Organizer; Community Advisory Board Member, USC School of Social Work*

*Community reactor: Lisa Fu*

*Executive Director, CA Healthy Nail Salon Collaboration*

*Community reactor: Billy Taing*

*Co-Director, API RISE*

Please visit <https://www.aasc.ucla.edu/aapipolicy/default.aspx> to view the researchers' policy briefs.

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### **Chang**

Speakers to discuss risk factors and burdens among undocumented immigrants, will also provide perspectives on the dismantling outdated public health, labor, criminal law policies affecting immigrant experiences in CA.

[introductions panelists]

### **Motomura**

Overall themes for summit is state of Asian American community today; reports cover a Wide range of topics; report goes into US and CA anti-Asian discrimination; not a lot of people look at "race neutral" laws which are really not neutral and borne out of anti-Asian racism. Many laws normalized marginalization in Washington, California; laws that seem normal and natural need to be examined. Research on deportations... During pandemic, needed to ask why anti-Asian violence; some would blame it on "few bad actors", but Asian American racism is rooted in 150 years of marginalization and in the history of America. Invite to think about each presentation in conjunction with each other; is it that far removed from workplace context, Asian American youth, etc.

### **Astghik**

Anti AAPI Racism in Immigration and Criminal Law; immigration enforcement does not; no public policy basis for linking race, crime, deportation, basis was racism

- early era: crimes involving moral turpitude; 1870 CA tried to block Asian women from entering the state based on morality, same with page law act; 1915
- Crimes involving controlled substances: many US congressmen throughout early 20th century...
- 1950s to present:
  - Policy Implication
    - State laws permitting transferring of custody to ICE

- Limited rep in image proceeding
  - Harmful ganga databases
- Not just history that's troubling, but ongoing effects on AAPI community today
- 2017-2020, 1576 non-citizen AAPI per year transferred to federal ICE custody, 81% of these were deported
- CILP sent letter to CA to pass VISION Act; not passed but hopefully encourages more attention to racist underpinnings of these laws

## Taing

[Starts by showing video entitled "American or Not," two Southeast Asian community members going through deportation process and being criminalized; Tin and Kanaka over two decades long process]

- After serving 21 years, instead of being released to family, US government wanted to hand me over to ICE. At the time, on one hand, I'm happy to be free, but on the other I might not be able to see my family. When I got to ICE, I was told to sign papers because otherwise it would delay my process even longer. Eventually I did sign. Still, I had no documents. I stayed in ICE 4 months and was released; after 21 years trying to navigate re-entry process, participating in community organization... found myself in API rise.
- In communities, I found a sense of belonging. However, 1.5 years later, Trump was voted in and I was re-detained. Second detainment was hard, had my life taken away from me. Whole 6-month process, 97 other Cambodian refugees and I were transferred across the country. At one point we were shackled on a plane for 13 hours; no safety, it was nonsense to me. Sharing this because a lot of people experience inhumane treatment in this detainment space. I witnessed an 83-year-old grandpa sleeping on a bunk. Lots of people reporting to ICE just went ahead and deporting themselves because they didn't know what was going to happen. Sharing this to highlight the experience of those who served time; when they're in society, checking in with society... API RISE accompanies individuals to ICE to help them and assist them through barriers facing those formerly incarcerated.
- On safety; when someone gets deported, how is this safe for community? If you're taking away a father earning money for family, or take away the mother, it has ripple effects. My own poor choices were an effect of deportation. Those of us who serve time and get a second chance to come on, our hearts go back to community. Working, paying taxes, helping out with API RISE. We're doing work to promote community safety.
- This law of criminalizing and deporting individuals is cruel and unusual punishment.
- Goal is to allow folks to feel humanized and make them feel like they belong in community also.

## Sok

- History important because it tells us how we got to the way we are
- America comes from two German map makers; did it in homage Amerigo Vespucci, Italian merchant
- 200 years later, US was created, English migrants called Americans, free white persons were migrants/persons, while those outside of this definition were considered property and non-human
- Crimigation (crime bash incrimination)
  - America partially a penal colony (nonwhites sent here for felons, crimes, etc.)
  - Deportation is nothing new, rooted in founding of this county
- Policing not always existed in America
  - Crime surveillance apparatus not always existed
  - Night watches precluded police
  - Slave patrols: star badge came from slave patrol badges
- Fugitive slave laws: slaves were non considered human bodies, rather property, of white men; fugitive slave laws allowed black people in other states to be returned
- Policing institutionalized through fugitive slave laws in 19th century
- Creation of prisons/lockups in CA
  - San Quentin built by lock-up prisoners
  - Golden to some but not golden to us

- Institutionalization of Anti-Chinese sentiments: People v. Hall (1854), Chinese Massacre (1871) Chy Lung v. Freeman (1875), Chinese Exclusion Act (1882), Show Me Your Papers/Thomas J. Geary (1892), Border Criminalization (1929), 1970s Republican Offensive, School to Prison Pipeline/William Bennet (1980s)
- Prison Booms in California (1980s)
- 1986 Immigration Reform and Control Act: increased border enforcement
- Anti-Drug Abuse Act (1988)
- Immigration Act of 1990
- Illegal Immigration reform and Immigration Responsibility Act (1996)
- During the prison boom, 3 CSU's and one UC were built

## Chun

### Community-Led Disaster Relief for Excluded Immigrant Workers in LA

- Scrutinizing social welfare and labor policies
- Our project focused on immigrant, undocumented, unemployed and low-paid workers; how did workers survive multiple repeated government shutdowns? What resources did they draw upon? What orgs stepped in to address policy gaps and what resources did they provide?
- Method: semi-structured interviews and surveys with OC and LA workers
- Findings
  - Workers they talked to had minimal access to a public safety net; when government shutdowns took place, workers who depended on everyday work for their income lost that opportunity. No relief at federal and state levels.
  - Schools, churches, free clinics closed by mandate
  - Basic needs and PPE inaccessible
- This is a story of institutional neglect and abandonment
- Those who did have some access faced barriers due to language and technology
- If they were lucky, they could rely on savings or adult workers at home to support them
- Who steps in when policy fails? CBO's and Immigrant Workers Centers who had networks, resources, and the trust to be on the frontlines
  - Disaster relief work; not the first time that these centers were doing this kind of aid and relief work
  - What we learned from these conversations was that being on the frontlines created an impetus for immediate action. For organizers, hearing about hardships and lack of safety net resonated with their experiences. It was a time they could really relate.
  - Unprecedented scale and volume really challenged organizations. For example, Nail Salon Collaborative, organizers had to go through lots of paperwork for taxes. At CHRLA, millions of calls on one day for tax paperwork.
- What crisis does cause includes work stoppage
- Became about case management during the pandemic
- What community built at this time
  - Direct cash assistance for undocumented workers
  - New staff for access to relief resources, COVID testing, PPE, liaisons between state/county
  - Policy responses and media attention
- Ad-hoc infrastructure
  - Many CBO's became essential workers, "we never closed our doors"
  - It needs to be: relational, place-based, resourceful, and values-based
  - Philanthropy was also part of the pictures; direct philanthropic funding
  - There's not enough recognition of these CBO's who are doing the work that the government cannot do; these CBO's carry out the policies the state is supposed to carry out. Therefore, these CBO's need to be sustained.

### Recommendations

- Increase support for CBO's extending support to undocumented and informally-employed workers who are treated as disposable
- Enforce labor standards but also recognized the reality of combining informal and formal employment as economic survival strategy

- Strategize aid for the aging immigrant population
- Reinforce CBO infrastructure through recognition of value and resourcefulness of organizational flexibility
- Sustainable funding sources

### **Lisa Fu**

- 69% of workers in nail salons are Vietnamese; mostly refugees, immigrant women
- You think about the nail salon industry, it's an invisibilized industry.
- We started to see anti-Asian racism in January of 2020.
- Our members are calling each other for emotional support across the country; and then there's the secondary trauma internal to our staff who have been through so much trauma already. These responses have become normalized. As an organization, we stepped up and we created an individualized aid fund because government wouldn't be responding.
- You think about all the wages and reliability issues nail salon workers' families need...
- Nail salon work is precarious when it comes to pay; customer base isn't consistent and hasn't recovered to pre-COVID levels
- On ageism: There are ads recruiting for nail salon workers only under the age of 40, which is illegal. But EEOC isn't catching them because ads aren't in English
- Nail salon workers need to be paid more and it's not going to work through the current pay structure.
  - Nail salon workers get trained more than police officers, so they need to get more respect and compensated more.
  - Needs to be more research and legislation to change how people are paid, how industry pays its folks, looking at it as a sector basis, not a salon-by-salon basis; fast-food industry, Amazon unionization offers models of potential models and sustainable pay structures
- API Equity Budget: good example of financial support for our industry
- Chang: misclassification of workers leads to lack of proper tax documentation (W9, 1099s)

### **Sudhinaraset**

The State of Undocumented Young Adults in California: Health Social and Economic Impacts of COVID-19 between 2020-2022 (BRAVE Study)

- There is a need to center undocumented voices in COVID recovery efforts; CARES Act left out undocumented workers, so data is necessary to see how their being affected
- Methods: mixed methods
- Results
  - Higher COVID infection rates
  - Avoided or delayed medical care, especially due to immigration status
  - Mental health challenges; higher rates of clinical grade depression,
  - Economic impacts: rent, basic needs
  - Despite DRAI funds from CA, only 5.6% reported receiving DRAI funds; undocumented populations feared government surveillance if they were to apply
- Impacts of immigration enforcement
  - Increase in immigration enforce associated with higher odds of suspecting having had cover;

### **Conclusions**

- High levels of infection rates, higher enforcement encounters,

### **Recommendations**

- Access to immigrant friendly health services and healthcare in general
- Increased awareness in workplace awareness for undocumented immigrants
- Ensuring undocumented immigrants are included in economic recovery efforts
- Eliminating restrictive immigration policies and enforcement
- Support evidence-based polices through routine data collection with undocumented immigrants in California

## Audience

- What are some recommendations the audience can add to these presentations?
  - Audience: Policy makers need to consider CBO's as a public good because we can rise to the occasion; if we do not meet needs of community, a permanent underclass will come about. Need to ensure undocumented immigrants are included in recovery efforts at every level of government. Workers Centers can only do so much.
- How can we take these recommendations to the next level?
- - Audience: Everybody already gave specific recommendations for systems level change. These are the types of stories we need to bring to Sacramento. There's so much of this information that doesn't get delivered. We need to coordinate on the advocacy front. There's a lot for these people already thinking about it, so how do we work together to enhance each other's work?
- Lisa: we work with folks across the country; no other state is doing the API equity budget. New York, we share ideas with New York. New York doesn't do that. California is paving the way, but we can do even more. There are things happening at local level that can be elevated to the state level.

## Researchers:

- What communities does this research and policy address?
- What is the problem and the proposed solution?
- How does the speaker pitch the urgency and necessity of their policy?

## Community Reactors

- How does their work fit into or contribute to the proposed policy and research?
- What is their response to the research and policy/programmatic recommendations?

## Policy Reactors

- What constructive feedback does the reactor provide on the research findings?
- What opportunities and challenges of key recommendations and the potential advantages or pitfalls do the reactors present?

## Action Discussion

- How do panelists and audience members react to the policy presentations and panelist responses?
  - Concerns, receptiveness, support
  - Recommendations/suggestions, follow-up questions
  - Possible strategies for change
  - Advantages of certain policy alternatives

- Resources required for change to be implemented
  - Short- and long- term plan of action
  - Roles of different stakeholders in advancing recommendations
- How would various stakeholders use the research in order to build collaborative relations and coordinate future action?
- Next steps