



i folks, sorry for the brief hiatus in AP(Eye) on the Hill. Please catch up with us in a combined September & October newsletter, chock full of exhilarating news from the ever entertaining world of Washington, DC! Happy Halloween!

NAPAWF ~ TOP NEWS

NAPAWF Co-Leads the We Belong Together Delegation!

NAPAWF is increasing our efforts to insert a gender justice lens into the immigrant rights movement. Recently, we've joined with the National Domestic Worker's Alliance to lift up the stories of how immigrant women and children are affected by harsh immigration enforcement policies in a new project called [We Belong Together](#). In late September, we organized a delegation of women leaders from over two dozen national human rights, women's, labor, and immigrant rights organizations, including Moms Rising, Center for Reproductive Rights, and Feminist Majority. The delegation went to Atlanta, Georgia, one of several states that passed rabidly anti-immigrant legislation last session, to hear stories from local women and children who have been impacted by the new law. From the stories we heard ~ of mothers afraid to take their children to school or to the hospital, of nursing babies torn from mothers, and of domestic violence survivors trying to reunite with their children ~ "papers please" anti-immigrant laws have no place in America. These [heartbreaking stories](#), a [delegates statement](#), and the [full delegation report](#) can be found online. NAPAWF was also featured in the recent Immigrant Women and Immigrant Rights convening hosted by the Ms. Foundation for Women and the Open Society Foundation in an effort to call groups together to coordinate around a unified message of gender justice and immigrant rights. Lastly, be on the look out for an exciting launch of "A Wish for the Holidays!"

NAPAWF continues our longstanding efforts as a steering committee member of

the [National Coalition for Immigrant Women's Rights](#) along with the National Latina Institute for Reproductive Health.

Nail Salon Advocates Bring the Heat to Brazilian Blowout!

The [National Healthy Nail and Beauty Salon Alliance \(Alliance\)](#) had some recent victories in September. In response to Alliance member advocacy, the Occupational Safety and Health Administration (OSHA) issued an [updated hazard alert](#) on formaldehyde in hair straighteners. It also refuted the false assertion from Brazilian Blowout, which manufactures a formaldehyde-ridden hair straightener, that OSHA air tests showed formaldehyde at safe levels. Another, unanticipated piece of good news came when even the *industry-funded* Cosmetics Ingredient Review panel voted to label hair straighteners that include formaldehydes as “unsafe.” The panel’s decision is non-binding, but is exciting in that it represents an acknowledgement of the dangers by the industry’s self-regulating arm. Irritatingly, hair-straightener manufacturer Brazilian Blowout is resisting the Food and Drug Administration’s (FDA) calls to reform its product. The company has even begun to co-opt the language of activism and is rallying salon workers and owners together against the FDA, claiming that the [FDA warnings](#) about dangerous chemicals are bad for workers and business. The nerve of them!

NAPAWF ~ ON THE HILL

House Votes to Let Women Die

The current wave of anti-woman legislation is enough to make a grown woman curl up and cry. In the Congressional budget and health showdowns, conservative members continue to use women’s wombs as a tool for slowing down the process and diluting healthcare. Not only did September mark the 35th anniversary of the Hyde Amendment, the precursor for anti-choice measures banning federal coverage of abortion, but House conservatives decided to mark the occasion by upping the ante. In October, the House of Representatives passed H.R. 358, or the “[Let Women Die Act](#),” which would amend the Affordable Care Act to prohibit federal funds from being used for any part of any plan that provides coverage for abortion care- even if federal money is not used. It would also allow hospitals to refuse to provide or even refer a patient for abortion care, even when her life is in danger. The bill is unlikely to pass in the Senate and, if it does, President Obama has promised to veto it. Still,

this measure signals that attacks on abortion, which are slowly chipping away at women's freedom, are not going away. You can still [thank or spank](#) your congressman who voted on the bill!

House Punishes Responsible Baby-Making

Finally, more salt in the wound is found in the details of the FY2012 spending bill released by House Republicans which prohibits any funding to Planned Parenthood unless they certifies it will not perform abortions, eliminates [Title X](#) funding for teen pregnancy prevention and reinstates funding for abstinence-only programs, ignoring the overwhelming evidence that these programs simply don't work. On the bright side, the Senate Appropriations Committee passed their own spending bill on September 21st. In a clear show of support for sexual and reproductive health, the funding bill supports the [Teen Pregnancy Prevention Initiative](#).

Health Inequities Targeted

First the good news: on September 15th the members of the Congressional Asian Pacific American Caucus (CAPAC), Congressional Black Caucus (CBC), and Congressional Hispanic Caucus (CHC) introduced the [Health Equity and Accountability Act of 2011](#). This legislation attempts to address historical health disparities by improving data collection; culturally and linguistically appropriate health care; health workforce diversity; improvement of health outcomes for women, children and families; mental health; and high impact minority diseases. The bill was formally introduced by Congresswoman Barbara Lee, Chair of CAPAC's Healthcare Taskforce, and included 68 original cosponsors. NAPAWF participated in a coalition of health care advocates who had a hand in crafting the bill.

This legislation comes right in time. Census Bureau estimates an increase of 1 million Americans living without health insurance and health insurance costs have increased by 9% over the past year. Many API women lack health insurance or rely on Medicaid for their family health care. This decline in health coverage means that there were 84,300 preventable deaths because of the US's failing health system. The bad news is that the Republican response to this news is to gleefully plot their effort to repeal the Affordable Care Act (ACA) in 2013, when they assume they'll gain the White House and Senate. For starters, they stripped funding from the FY2012 bill for implementation of the health care law and included provisions to prohibit HHS from continuing any implementation until 90 days after all legal challenges are resolved.

Women Struggling with "Recovery" and Poverty

The economic news continues to be pretty dismal for women. Recent poverty data from the Census Bureau shows that women remain 29% more likely to be

poor than men and poverty levels for single mothers have increased to 42%. Women also lag behind men in obtaining jobs since the Recovery began and have instead, experienced job losses. Today, a record-breaking 46 million people remain in poverty. This dismal picture permeates across the country. In 12 states, more than one-quarter of children are poor. Yet the economy is so bad, that 17 states are actually considering reducing unemployment benefits to balance their budgets. Women comprised half of the more than 3.5 million average weekly unemployment beneficiaries. Reduced benefits would be particularly hard for unemployed APIs who remain unemployed longer than other groups of workers. The good news is that the federal government is finally debating a jobs creation bill which will hopefully help the 235,000 APIs out of work for more than six months. The [American Jobs Act](#) seeks to provide help for the long-term unemployed, create pathways back to work through targeted low-income employment programs, boost education and public safety jobs, and create a payroll tax cut for employees. Unfortunately, an October 11th vote by the Senate on the full bill failed to pass so now they are considering specific pieces of the legislation for passage. There are numerous fact sheets on the benefits of the American Jobs Act including this [one for women](#) and this [one for APIs](#). NAPAWF supports the American Jobs Act and has signed on to the [AAPIs Want to Work](#) campaign to support this legislation.

Sexual Assault in Immigration Detention

Unfortunately, an immigration system that operates on a “detain-and-deport first, ask about legalities later” basis, has been hit with another scandal. Recently released documents showing widespread allegations of sexual abuse in US immigration detention centers in nearly every state that houses one and an officer in Texas has pleaded guilty to sexually assaulting female detainees. Tragically, the women assaulted by the Texas officer were seeking asylum in the US after fleeing sexual assault in their home countries. Nearly 200 allegations of sexual assault in detention centers have been recorded since 2007. Yet, ICE continues to detain and deport. According to recently released FY2011 reports, a grand total of 396,906 individuals were removed last year, with ICE claiming that 90% of individuals removed were priority non-citizens. Of course, reports from the field call this 90% into question – when domestic violence survivors are arrested for calling the police for help, it makes you wonder who is the criminal?

VAWA Turns 17 and Anti-Trafficking Moves to a Vote!

But it's not all gloom and doom. The 17th birthday of the [Violence Against Women Act](#) gives us something to celebrate. VAWA is essential for helping us move toward a coordinated community response to domestic violence, sexual assault, stalking and dating violence. For API women, VAWA is important because it supports community based efforts to end domestic violence and

sexual assault and it gives immigrant women the ability to self-petition for citizenship, so they no longer have to depend on their abusers for status. In other good news for API women, on October 13, the Senate Judiciary Committee approved the [Trafficking Victims Protection Reauthorization Act](#) and it is now up for a full vote. The Act would authorize \$130 million annually for programs to eliminate human trafficking and forced labor. API women comprise the largest segment of trafficked persons in the US. The measure would require the President to establish anti-trafficking programs with other countries and strengthen laws to address domestic human trafficking. NAPAWF continues to support these laws!

Lamar Smith and... Positive Immigration News?!

In immigration news, House Representative Lamar Smith continues to push a mandatory E-verify bill even though many conservatives, libertarians, and even Tea Partiers (!) think his bill sucks. E-verify is an unreliable program, known to incorrectly identify a work-authorized employee as ineligible to work, which is problematic since more than 8 million APIs are foreign-born. But maybe all of the compelling pro-immigrant arguments are making a dent because Smith has also introduced [HR 3012](#), which would eliminate per country numerical limits on employment-based green cards and raise limits on family-based green cards. This could actually address some of the incredible backlogs for individuals and their families from countries with high numbers of prospective immigrants such as Mexico, China, and India. The bill would not add new visa categories but merely re-distributes the available supply of visas and it actually has the potential for bipartisan support! Meanwhile, 67 members of Congress sent letters to DHS Secretary Napolitano requesting that LGBT family ties be considered in pending deportation cases involving bi-national, same-sex couples. The request come after the DHS prosecutorial discretion memo failed to explicitly mention same-sex family ties as part of its efforts to prioritize immigration enforcement.

Repealing Discrimination

On October 6th, the Senate introduced the [End Racial Profiling Act](#), which would prohibit racial profiling by law enforcement. This bill would give additional teeth to advocates fighting “papers please” laws around the states and further, it would stop law enforcement from diverting scarce resources to investigating individuals because of their perceived race or religion, to investigating actual crimes.

In a seemingly unrelated, but linked by the principle of opposing discrimination against marginalized communities, the Senate is also taking steps to finally repeal the discriminatory Defense of Marriage Act (DOMA). Senate Judiciary Chair, Patrick Leahy (D-VT) announced plans to bring the [Respect for Marriage Act](#) for a vote in November. This legislation would finally end the federal policy, passed under G.W., that discriminates against same-sex couples by denying them equal access to legal protections that are only available to legally married

couples.

NAPAWF ~ IN THE ADMINISTRATION

The White House Likes APs!

On September 23rd, President Barak Obama met with members of the Congressional Asian Pacific American Caucus (CAPAC) for the first time during his presidency. During the meeting, they discussed the doubling of API federal judges, efforts to eliminate health disparities, creating a more just immigration system, and the need for more jobs. The meeting was an opportunity for CAPAC members to represent the voices and concerns of the API, and they worked closely with the National Council of Asian Pacific Americans (NCAPA), of which NAPAWF is a member and co-chair of the Health Committee, to develop. The [White House Initiative on Asian Americans and Pacific Islanders](#) has had more opportunity to shine this month as well. The Initiative celebrated its two-year anniversary in style! As you know, the Initiative has been a major leader and collaborator in the Alliance's efforts to seek interagency accord on nail salon safety efforts through the convening of the [first interagency working group on healthy nail salons](#). In addition, President Obama named Assistant to the President and Cabinet Secretary Christopher Lu to join Education Secretary Arne Duncan as co-chair of the Initiative. He also appointed Olympic skating champion Apolo Ohno, Professor May Chen and Dr. Tung Thanh Nguyen to the President's Advisory Commission on Asian Americans and Pacific Islanders, rounding out the 20-member commission. And finally, the Initiative celebrated its two-year anniversary with the release of a [guide to federal agencies](#) and a report [highlighting its achievements](#).

Disintegration: SComm Task Force and Prosecutorial Discretion

A DHS Secure Communities Task Force was formed in June in response to advocate outcry over the inherent problems within the much-touted but highly controversial Secure Communities (SComm) program. The 19-member task force, comprised of immigrant advocates, law enforcement leaders, and labor union members, attempted to tackle the program's structural problems. Yet in the

end, five members of the task force agreed with advocates and resigned. They cited objections to the [final report and recommendations](#) for failing to adequately address the serious concerns about SComm and the lack of accountability. Still, even with that cloud of controversy and lack of legitimacy, the Homeland Security Advisory Council voted to approve the task force's recommendations and sent them to DHS Secretary Janet Napolitano and her team for further consideration. Meanwhile, hopes that prosecutorial discretion would lead to less abuse of detained immigrants disintegrated as reports surfaced of women [giving birth while shackled](#), without their husbands, and in the presence of prison guards all for the "crime" of say, not having a driver's license. The new mothers were also separated from their newborns, and prevented from nursing or using the hospital-issued breast pump. In 2007, the Bureau of Prisons instituted an anti-shackling policy in federal correctional facilities, but ICE refuses to enforce its own anti-shackling policy or train authorities to respect it. NAPAWF continues to advocate against shackling of women held in prisons or immigration detention centers.

NAPAWF ~ IN THE STATES

Oh, Alabama!

In Alabama, where APIs make up less than 1% of the population but contribute billions in economic activity to the state, times are tough. Alabama's "papers please" copycat law is widely viewed as the harshest anti-immigrant state law to have passed, but things got really heavy when a judge refused to prevent the law from going into effect. Among other things, the law requires public schools to verify the immigration status of children and their parents and report the information to the state; authorizes police officers to arrest and detain anyone they believe to be undocumented; and prohibits companies from entering into contracts with undocumented immigrants. As the law began to be implemented, we heard reports of elementary students being questioned about their immigration status, students failing to show up for class, and of families having their electricity and water cut off. Moreover, as farmers complain about missing workers and rotting crops, the state turned to a despicable solution: using

prisoners. As chain-gangs start picking Alabama's tomatoes, we have now gone from paying below minimum wages to paying no wages for the labor used to pick our fruits and veggies. Meanwhile, the states citizenry are finding out that citizen women are also disproportionately impacted by this law. For what had previously been simple transactions, the onerous need to verify identity has forced people who have changed their name, married, divorced, or sneezed wrong, on a goose chase to prove that they are who they say they are. Meanwhile, the anti-immigrant attorney who crafted the provision requiring school officials to verify student status confirms that his intention was to begin chipping away at the right of all children to obtain an education.

Peddling Personhood

Conservatives are shopping a new personhood amendments in California, Mississippi and Alabama. These efforts attempt to make abortion illegal, even in cases of rape and incest, while using human rights rhetoric. Deceptively, the amendments claim that fetuses deserve equal rights because "inherent human rights, dignity and worth of all human beings [begin] from the beginning of their biological development as human beings." Here they go, co-opting our language yet again! We hope this gimmick doesn't make it onto the ballot.

NAPAWF ~ IN THE COURTS

ACA Goes Supreme

The legal battle over President Obama's signature health care law, continues to heat up as the case makes its way to the US Supreme Court. One lawsuit, brought by a conservative religious group representing four citizens, is being challenged in the D.C. Circuit Court of Appeals. The DC court will be the fourth federal appeals court to hear arguments over the constitutionality of the Affordable Care Act. Meanwhile, Department of Justice attorneys opted not to seek a full appeal of the 11th Circuit Court of Appeals ruling, clearing the way for the Supreme Court to hear arguments over the requirement to purchase insurance in a lawsuit brought by 26 states. In August, a 3-member panel of the

11th Circuit Court of Appeals found the 'individual mandate' to be unconstitutional and ACA opponents immediately filed to ask the Supreme Court to strike down the entire health care law. The Supreme Court could decide on November 10th whether it will review the ACA this term. All sides are anticipating a late March ruling. Insofar as the ACA goes, in a clear testament to the "im"partiality of our courts, with only two exceptions, judges have ruled along the party lines of the president that appointed them. Aiya!

State Immigration Legal Battles Get Serious

While almost every other court has slam-dunk ruled against states passing "paper please" laws, on September 28th, US District Judge Sharon Blackburn actually failed to stop the implementation of the most harmful portions of Alabama's "paper please" law. The law, which makes local police, public school administrators and utility company employees immigration enforcement agents, is widely seen as the harshest of the Arizona copycat laws to pass, making it even more egregious that the court failed to stop its implementation. Immigrant rights advocates were forced to file an emergency injunction with the 11th Circuit Court of Appeals which granted a partial victory. The 11th Court blocked the provisions requiring school officials to verify the immigration status of children and criminalizing the failure to carry proof of US citizenship. However, the ruling leaves in place the provision prohibiting companies from entering into contracts, which is how some households are being denied electricity and water.

Meanwhile, the Obama Justice Department is making an unprecedented effort to challenge "papers please" laws in the states. They have already sued Arizona and Alabama and are considering filing lawsuits in Utah, Georgia, Indiana, and South Carolina. According to experts, this level of federal intervention is highly unusual.

Advocates Block Anti-Abortion Laws

Reproductive rights advocates in Oklahoma won a temporary injunction against enforcement of a new law to prohibit the use of medications that induce first-trimester abortion, which was supposed to take effect on November 1st. Medicinal abortion is considered the safest, most effective, and inexpensive options for terminating a pregnancy. The lawsuit argued that the law jeopardizes a woman's health and undermines their ability to exercise the full range of their constitutionally protected reproductive rights. Fortunately, Judge Daniel Owens of the Oklahoma District Court, agreed. In other "fighting the good fight" news: advocates also won an injunction against the mandatory viewing of ultrasounds provision in North Carolina! Take that you anti-abortion irritants!