



Hindu American Immigration Reform Priorities

The Hindu American Foundation (HAF) is a 501(c)(3) advocacy organization for the Hindu American community. The Foundation educates the public about Hinduism, speaks out about issues affecting Hindus worldwide, and builds bridges with institutions and individuals whose work aligns with HAF's objectives. HAF focuses on human and civil rights, public policy, media, academia, and interfaith relations. Through its advocacy efforts, HAF seeks to cultivate leaders and empower future generations of Hindu Americans.

Background

Hindu Americans represent diverse ethnic backgrounds, including but not limited to individuals of Indian, Pakistani, Bangladeshi, Malaysian, Indonesian, Afghani, Nepali, Bhutanese, Sri Lankan, Fijian, Caribbean, and European descent. The majority of Hindus, however are of Indian ethnic origin and are primarily an immigrant community. It was only after the lifting of the Asian Exclusion Act of 1924 in 1943 and the abolishment of quotas for immigrants based on national origin in 1965 that Hindus came to the United States in large numbers.

Many Hindus have come to the U.S. as students or in search of better economic opportunities, while others have arrived in this country after facing religious persecution in their country of origin, such as Afghanistan and Bhutan. In the last few years, for example, more than 40,000 Bhutanese Hindus have been resettled across the country after being forcibly evicted from Bhutan in the 1990s and living in refugee camps in Nepal for nearly 20 years.

Consequently, immigration is an issue of great concern to the Hindu American community and will continue to be so in the near future. The Foundation, therefore, firmly believes in the importance of comprehensive immigration reform that is humane, practical, and in the nation's best interests.

In recent months, there have been a number of proposed bills in both the U.S. House of Representatives and the Senate that seek to address various aspects of the immigration system. Moreover, in April, a group of eight Senators, known as the "Gang of Eight" introduced a comprehensive immigration reform bill, entitled the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (S. 744).

Instead of advocating for any specific bills or legislation in their entirety, however, this brief puts forth general policy recommendations that should be adopted in any comprehensive immigration reform bill that is enacted into law.

Accordingly, the following seeks to present a Hindu American perspective on immigration reform, which is currently absent from the national debate. While we support policies that protect our borders and provide a reasonable pathway to citizenship, we focus on those specific immigration priorities that are of paramount importance to the Hindu American community.

Family Unification

The family unit, including both immediate and extended relatives, is a cornerstone of Hindu society. Family members provide social, spiritual, emotional, and financial support to one another, and help Hindu immigrants integrate into American society. As a result, Hindu Americans have relied heavily on the family-based visa system to bring their loved ones to the U.S. and keep their families united.

Unfortunately, the current family-based visa system is severely outdated and inefficient, resulting in the separation of countless families. For instance, there is a significant backlog of family-visa petitions pending with U.S. Citizenship and Immigration Services (USCIS), long wait times, and a shortage of available visas, leaving many families separated for protracted periods of time.

While Hindu Americans have been intimately affected by this broken system, many other communities have similarly been impacted. It is therefore necessary to implement meaningful reforms in order to streamline and improve the family immigration process.

In addition to existing inadequacies, specific provisions within the proposed Senate Bill 744 may further weaken the family-based immigration system. In particular, S. 744 seeks to eliminate the sibling category in its entirety, thereby effectively preventing U.S. citizens from petitioning for their brothers and sisters to immigrate to this country. This will have far-reaching consequences for the Hindu American community, which has frequently utilized this family preference category to bring siblings to the U.S. Siblings are integral members of the family unit and assist all immigrants adjust to life and prosper in America.

Similarly, S. 744 attempts to place an age cap of 31 on adult married children of U.S. citizens, which would further divide families. Adult children can help provide much needed support to their parents, especially as they approach the later stages of life.

Consequently, we believe that the following recommendations are necessary to strengthen and unite families:

- 1 Reduce the current family visa backlogs and long wait time for family-based visas, and recapture unused visas.
- 2 Eliminate the cap on the total number of family based visas available and increase family-based country limits from seven to ten percent of total admissions.
- 3 Ensure that spouses and children of citizens or lawful permanent residents are not separate for long periods of time. Specifically, reduce wait times for spouse of citizens and allow the spouses and children of lawful permanent residents to immigrate immediately and be reclassified as immediate relatives. Similarly, reduce the long wait time for a nonimmigrant fiance K-1 visa, allowing a U.S. citizen to bring his/her foreign fiance(e) to the U.S. as soon as possible in order to marry him/her.
- 4 Protect the current sibling category, which allows U.S. citizens to petition for their brothers and sisters to immigrate to this country.
- 5 Remove the age cap for adult married children of U.S. citizens eligible for family-based immigration

- 6 Support the creation of a new family V visa enabling families with approved petitions to work and live in the U.S. while waiting for their green card.

Employment Based Immigration

Starting in the 1960s, high-skilled workers from India, primarily of Hindu heritage, began immigrating to the U.S. in sizeable numbers. In the 1990s, for instance, an estimated 30,000 Hindus immigrated to the U.S. each year, while approximately 70,000 Hindus were admitted in 2012 alone, according to a new Pew Forum study.¹ These immigrants have contributed extensively to the American economy, and have founded a number of companies in Silicon Valley and other parts of the country.

According to the Center for Strategic and International Studies (CSIS), a Washington, D.C. based think-tank, approximately 33 percent of all engineering and technology companies founded by immigrants since 2006 have been started by Indian immigrants, which is the equivalent of 25 percent of all companies started in the country.² Thus, employment visas have not only benefitted Indian immigrants, but have also supported job creation, innovation, and the continued vitality of the American economy.

Similar to the family-based system, however, substantial reforms are necessary to streamline the employment immigration process and remove bureaucratic obstacles. Moreover, the number of available employment based visas should be expanded and the spouses and children of employment visa applicants should be exempt from employment visa caps.

Specifically, the Foundation supports the following measures outlined in S. 744 and other bills:

- 1 Expand the employment based visa system and eliminate country caps for employment visas.
- 2 Increase caps for the available number of H1-B visas for high-skilled workers from 65,000 to 110,000 (with a possible increase of up to 180,000) and provide work authorizations for spouses and children of H1-B workers.
- 3 Increase the pool of green cards available to foreign-born science, technology, engineering, and mathematics (STEM) graduates who earn degrees at American Universities.
- 4 Exempt spouses and children of employment visa applicants and STEM graduates with doctoral degrees from the employment visa caps.
- 5 Create a new Invest Visa intended for entrepreneurs to come to the U.S. to start their own companies.

R-1 Religious Worker Visa Program

Hindu Americans have not yet established institutions to train American born religious workers and certain types of traditional training are only available in India. These workers teach in religious schools, design and build temples, serve as ritual specialists, provide spiritual counsel, and perform numerous

¹ "More Hindus Migrating to U.S. than Ever: Study," (May 18, 2013), *The Economic Times*, <http://m.economictimes.com/news/nri/visa-and-immigration/more-hindus-migrating-to-the-us-than-ever-study/articleshow/20111086.cms>.

² Inderfurth, Karl F. and Miller, Scott, "Immigration Reform's 'Path to Prosperity,'" U.S. India Insight, Vol. 3, Issue 4, (April 2013), CSIS, http://csis.org/files/publication/130424_WadhvaniChair_USIndiaInsight.pdf.



other religious functions. Consequently, Hindu temples and institutions in the U.S. routinely bring religious workers from India to serve in a variety of essential roles.

The Special Immigrant Non-Minister provision in the Religious Worker Visa Program, which was enacted by Congress in 1990, is the primary avenue by which to bring foreign religious workers to the U.S., and has been utilized by many faith-based communities. As a relatively newer community to the U.S., Hindu Americans are especially dependent on this program to meet their religious and spiritual needs.

The program, as it is currently construed, contains a “sunset” provision, requiring reauthorization every three years. Although it was last reauthorized in 2012, it is set to expire in 2015 unless it is once again approved by Congress. Requiring constant reauthorization is inefficient and leaves the program vulnerable to being discontinued.

Given its critical importance to the Hindu American community and the ongoing survival of Hindu temples, it is vital that the “sunset” requirement is removed and the program is permanently reauthorized, as proposed in S. 744.

Refugees and Asylum

America has a long and hallowed tradition of accepting refugees and asylum seekers from around the world. Those persecuted on account of their religion, race, ethnicity, nationality, or political opinion have availed themselves of the protections of the U.S. and received generous assistance in rebuilding their lives.

The asylum and refugee application process, however, has become unduly cumbersome, inequitable, and inefficient. As a result, many deserving applicants have been denied asylum due to an inability to meet overly restrictive requirements. In many cases, evidentiary support for asylum claims is often difficult to obtain for those under pressure to flee their homes from persecution and violence.

Last year, for example, a Bangladeshi Hindu was denied asylum and held for several months in a detention center in Southern California after being unable to produce adequate evidence and documentation to support his claim. His case was not isolated, however, but rather reflective of a larger pattern of the U.S. Citizenship and Immigration Services (USCIS) bureaucracy. Evidentiary burdens and other requirements should therefore be modified to remove onerous obstacles from the process.

In addition, the Office of Refugee Resettlement (ORR) should better assess and meet the needs of new refugees admitted to the U.S. Refugee resettlement programs through the ORR are of particular importance to Hindu refugees from Bhutan.

Since 2007, more than 69,000 Bhutanese Hindus living in refugee camps in Nepal have been resettled in various countries around the world. The U.S. has accepted the largest number of refugees – nearly 42,000 – and the Bhutanese resettlement program is now the third-largest resettlement operation in the

United States.³ In the U.S., Bhutanese refugees have been resettled in all 50 states and receive support from U.S. federal and state governments as well as non-governmental organizations.

Refugees who continue to be resettled throughout the U.S. have faced a number of challenges assimilating to their new homes. For instance, the Bhutanese refugee community in the U.S. has a high incidence of mental health issues and high suicide rates. According to a recent ORR study, there were sixteen suicides by Bhutanese refugees between 2009 and 2012. Moreover, 43% of those surveyed reported difficulty maintaining their cultural and religious traditions, amongst many other social adjustment problems.⁴

As a result, ORR should implement changes to the resettlement program in order to better understand the challenges facing new refugees, and provide greater resources and assistance to them.

Specifically, we support the following measures to improve ORR, as well as the refugee and asylum process that have been included in S. 744 and other bills, such as the Refugee Protection Act (H.R. 1365) and the Strengthening Refugee Resettlement Act (H.R. 651):

- 1 Eliminate the one year asylum application filing deadline and allow for motions to re-open asylum cases that have been denied.
- 2 Ease restrictions on asylum applications, including evidentiary burdens. Moreover, allow a detained asylum seeker to be released under enhanced supervision.
- 3 Remove family reunification barriers for asylees and refugees, and allow refugees to petition for their spouses and children to join them in the U.S. at any time after they have been admitted.
- 4 The Office of Refugee Resettlement should examine the effectiveness of its current resettlement program and collect additional data on the social, cultural, financial, and medical (physical and mental health) needs of refugees.
- 5 ORR should increase grant funding to resettlement agencies and local community providers to meet the needs of refugee populations. It should also closely monitor how funding is being utilized by local providers to ensure that funds are not being misused or exploited by providers to promote the interests of their own organizations.
- 6 Establish an emergency refugee resettlement fund within ORR to meet unanticipated resettlement needs.

Other Immigration Provisions

In addition to the immigration categories and programs listed above, we support the Track One and Track Two merit based systems proposed in S. 744. Specifically, the track one system would initially allocate an additional 120,000 work visas (up to a possible maximum of 250,000) with half earmarked for high

³ 2013 UNHCR Country Operations Profile – Nepal, <http://www.unhcr.org/pages/49e487856.html>.

⁴ “An Investigation into Suicides Among Bhutanese Refugees in the U.S. 2009 – 2012 Stakeholders Report,” (October 18, 2012), Centers for Disease Control and Prevention, http://www.refugeehealthta.org/files/2011/06/Bhutanese-Suicide-Stakeholder_Report_October_22_2012_Cleared_-For_Dissemination.pdf.



skilled workers. The visas would be provided based on a merit point system that includes factors such as education, employment, family members in the U.S., and length of residence in the country.

Similarly, track two would help clear employment and family backlogs, while allowing those with work authorizations who are lawfully present in the U.S. for over ten years to adjust to permanent residence status.

And finally, it is critical that U.S. Customs and Border agents and officials respect the sanctity of places of worship, including temples, and other “sensitive locations” such as schools and hospitals, when conducting enforcement operations. Raids at these locations should be carried out only under exigent circumstances or when prior approval has been obtained.⁵

⁵ Senators Coons amendment 13 and Senator Blumenthal amendment 18 to S. 744.