

Statement of
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The House Judiciary Committee
Subcommittee on Immigration and Citizenship
for
Hearing Titled
“The U.S. Immigration System: The Need for Bold Reforms”

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The National Korean American Service & Education Consortium (NAKASEC) Network appreciates this opportunity to submit a statement for the record of today’s hearing on “The U.S. Immigration System: The Need for Bold Reforms.” We write to express our strong support for President Biden’s immigration bill in accord with our nation-wide “Citizenship for All: 100 Days Campaign” demands comprising: (1) a pathway to citizenship for 11 million undocumented immigrants currently living in the U.S. excluding categorical or expanded criminal bars; (2) Rep. Judy Chu’s Reuniting Families Act, which would update and modernize our immigration system; and (3) Rep. Adam Smith’s Adoptee Citizenship Act, which would correct a technical loophole in the Child Citizenship Act of 2000 and establish a path of return for adopted individuals who were deported as adults. We understand that both (1) a path to citizenship for 11 million undocumented immigrants and (2) Rep. Judy Chu’s Reuniting Families Act are included in President Biden’s immigration bill and commend their inclusion.

Founded in 1994, the National Korean American Service & Education Consortium’s (NAKASEC) mission is to organize Korean and Asian Americans to achieve social, economic, and racial justice. The NAKASEC Network also serves more than 30,000 low-income families across the country through public health and social services, immigration legal services, and housing counseling.

The National Korean American Service & Education Consortium (NAKASEC) is a co-convenor of the Value Our Families campaign. The Value Our Families Campaign exists to protect, preserve, and strengthen the family immigration system and promote an immigration system that

is informed by love, empathy and justice. The Value Our Families Campaign is a network of local and national community-based and advocacy organizations who reject attacks and proposed harmful changes to our current family-based immigration system. It seeks to build public support for an immigration system that protects and promotes family unity and contributes to the American social and economic fabric.

Immigrant communities cannot wait any longer. There are more than 11 million undocumented immigrants living in the United States today without a pathway to citizenship. Of these 11 million undocumented immigrants, [almost 20% are Asian American](#); that is to say, [1 in 6 Asian Americans](#) are undocumented. As a consequence of our faulty immigration system, more than 3.5 million immigrants have been deported from the United States. Families and communities have been torn apart and separated, inflicting irreversible psychological trauma between parents and children, brothers and sisters, and spouses and loved ones.

The results of the 2020 elections have generated for the first time in more than 10 years an unprecedentedly auspicious political opportunity. Due in no small part to Black, Brown, Asian, and immigrant organizers in Georgia and across the United States, a Democratic trifecta has risen to power in our Congress and the White House, paving the way for a political landscape that makes advocating and legislating for Citizenship for All possible.

The solution that our communities require is an immediate and unconditional pathway to citizenship in the United States for all 11 million undocumented immigrants- not only for DACA recipients, TPS recipients, and essential workers.

As such, the NAKASEC Network has launched a nation-wide “Citizenship for All: 100 Days Campaign” to hold the Biden administration and Congress accountable to deliver on his promise to legislate citizenship for all in his first 100 days. He and a Democratic-majority Congress have both the power and responsibility to fulfill that promise to our people. Our Citizenship For All platform supports the following components:

1. Pathway to Citizenship For All: Every immigrant, from the undocumented to TPS holders to the parents of undocumented young people, deserves U.S. citizenship for full participation in this country. We need legalization of all 11 million undocumented immigrants living in this country, without expanded or categorical criminal bars.
2. Family Reunification: Strong families are a cornerstone of the U.S., and are critical to the social and economic health of this nation. Family immigration, strengthened by the Reuniting Families Act, must continue to allow them to remain together and reunify in a timely manner.
3. Citizenship For All Adoptees: Despite being adopted by U.S. citizen parents as children, thousands of intercountry adoptees do not have citizenship, and many adoptees have been deported as a result. As stated in the Adoptee Citizenship Act, all adoptees deserve

citizenship, and all deported adoptees deserve a pathway of return to the only home they have ever known.

Pathway to Citizenship For All

All people who desire to access a pathway to citizenship, including those who are formerly or currently incarcerated, should be able to do so without having to prove that they are worthy because of their ability to speak English, make money, or be physically fit. We should be able to access a pathway to citizenship because immigrants are human beings deserving of safety, security, health, love, and to remain with their families.

Any legislation to legalize undocumented immigrants should not introduce any new bars to legalization. Legislation should instead eliminate existing grounds of removability, i.e. by providing universal waivers for both inadmissibility and deportability grounds as in the Reuniting Families Act of 2019 (H.R. 3799) and by repealing bars including against crimes involving moral turpitude (CIMT) as in the New Way Forward Act (H.R. 5383).

In Appendix A, Justin's Story, and Appendix B, Chan's Story, please read stories of our undocumented community members underscoring the urgency of citizenship for all 11 million undocumented immigrants.

Family Reunification

Our current family-based immigration system was established by the Immigration and Nationality Act of 1965 (INA of 1965) to end the previous racist national origin quotas that began with the Chinese Exclusion Act of 1882 which heavily favored immigrants from Northern and Western Europe. Today, the vast majority of immigrants coming to the U.S. through the family-based system, diversity lottery and refugee program are underrepresented people of color.

However, years of bureaucratic processing delays and Congresses inability to act and keep up with population growth and labor market needs has resulted in extreme backlogs in the green card programs and a large undocumented population prohibited from being sponsored by harsh bars and decades long waits.

This issue holds particular relevance to Asian American communities. Asian Americans comprise [40% of the backlog for family-based immigration](#). Family-based immigration is also the predominant method through which Asian Americans immigrate into the United States.

The Reuniting Families Act would resolve these problems that render our families separated across oceans. It would:

- Clear the family-based and employment-based backlogs, raise the country caps and reclassify lawful permanent residents as immediate relatives, provide relief for orphans, widows and stepchildren and protect the families of H-4 visaholders from losing work authorization or status;
- Promote and preserve diversity by increasing diversity visas;
- Provide equality for same sex partners in our immigration laws; and
- Provide enforcement relief in our immigration system through eliminating the 3 and 10 year bar and providing family unity waivers of inadmissibility and deportability grounds.

We are pleased to see the inclusion of the Reuniting Families Act in President Biden's immigration bill.

Citizenship for Adoptees

After the Korean War, intercountry adoption became more prevalent with South Korea becoming the largest sender of children for adoption for the next four decades. Currently, over 350,000 transnational adoptees live in the United States; approximately one-third of these are of Korean descent and over half are Asian American. The vast majority of adoptees were adopted as children by Caucasian, U.S. citizen parents.

In 2000, President Bill Clinton signed the Child Citizenship Act into law. However, a technical loophole in the law, which made the Child Citizenship Act proactive but not retroactive, left the adopted children of thousands of Americans without citizenship.

Adoptees without citizenship in the United States live in fear of separation from their families and the only home they have ever known. Increased security measures prevent many from receiving government identification and accessing employment, health care, and other vital benefits. An unknown number of American adoptees have already been deported as a result of this loophole. (João Herbert, an adoptee who was deported at 22 to Brazil, was murdered in Brazil in 2004.) Adoptees who are returned to their birth countries suffer language and culture differences, and in many cases, are denied legal status as a result of their American adoptions. In other words, adoptees who never received US citizenship often become stateless after deportation.

Over the last twenty years, multiple attempts to correct the technical loophole in the Child Citizenship Act have failed. However, bipartisan support for the Adoptee Citizenship Act remains steady. In the 116th Congress, 61 Democrats and 31 Republicans pledged their support and were prepared to vote in favor of passage. On Sept. 23, 2020, a coalition of organizations urged the House Subcommittee on Immigration and Citizenship to include disenfranchised adoptees among the vulnerable population of essential workers affected by the COVID-19 pandemic. In 2020, over 180 organizations signed a letter in support of a prompt passage of the Adoptee Citizenship Act.

We support the passage of the Adoptee Citizenship Act, as standalone legislation or for inclusion in any legislation providing a pathway to citizenship. The Adoptee Citizenship Act would:

- Grant retroactive U.S. citizenship to all individuals internationally adopted into the U.S. before the age of 18 (Section 320(b) of the Immigration and Nationality Act (8 U.S.C. 1431(b)).
- Create a clear pathway of return for adoptees who have been deported, provided all past crimes have been properly resolved (Section 320(b) of the Immigration and Nationality Act (8 U.S.C. 1431(b))).

Please refer to Appendix C, Anissa's Story, to read the testimony of a deported Jamaican adoptee who is currently living in Panama, separated from her daughter in the United States.

Conclusion

In its current form, the United States immigration system makes it impossible for the millions of immigrants seeking to build a new life in this country to gain status and security. The harmful ramifications of the U.S. immigration system are especially pertinent to immigrants of color, women, disabled immigrants, and poor immigrants. Without the security of U.S. citizenship, millions of immigrants and their families live in the fear of being separated from their loved ones through deportation, and are denied access to critical public benefits and rights like healthcare, higher education, driver's licenses, and gainful employment. Of great urgency for our network members and the communities they represent are (1) a pathway to citizenship for all 11 million undocumented immigrants, (2) a strengthened and updated family-based immigration system, and (3) a pathway of return for adopted individuals. We commend the House Judiciary Committee for taking these first steps to attaining these goals and urge Congress to bring to passage bold reforms to the U.S. immigration system this year, before the closure of this unique political window.

Appendix A, Justin's Story

"My parents and I came to the United States when I was two years old. Like other parents, we came here because we wanted a better life, future, and opportunities for our family. We first went to Southern California, San Fernando Valley and then I grew up around LA. Later, we moved to the Orange County area.

Because of how much my parents worked, I had a difficult childhood. At a young age, I always felt a sense of loneliness because my parents were never around. At the time, I didn't realize that they were working long hours to provide for me. My parents wanted the best for me, but I felt that they thought that their work was more important which made me feel alone.

When we moved to Fontana, that's where it felt like everything I was going through was manifesting. I was away from all my friends, and I didn't know how to deal with it. And then eventually, from junior high to high school, I met a group of guys that were like me. Our parents were never home and we were always home alone. So we'd all hang out, make some fun, smoke, and drink. Soon I started getting myself involved with those types of guys and then eventually, at 16, I ended up joining a gang.

It felt like I was living a double life. My parents never knew that I was in a gang. I never missed a day of school, but after school, I'd hang out with those guys. I wanted to be cool, and there was a lot of peer pressure to fit in.

I was the youngest one in a gang and the rest of the guys were older than me, so I looked up to them. I was willing to do anything that they were doing. Drinking, smoking, and hanging out late at night, to three in the morning. Even fighting. I would see the older guys fight and see the respect they'd get. I also wanted that same respect. Growing up in Orange County, I used to get bullied a lot by older guys, so I've always felt that resentment. After joining a gang, I felt like I was getting out all of the loneliness and resentment that I had been feeling.

But eventually, I got incarcerated. My type of thinking at that time was definitely very warped and twisted. I was having fun and I felt like nobody else in high school around my age was living that type of life. I felt very exclusive, and it got to the point where I thought it was okay. I thought it was okay to hurt people. I justified it all that I could get away with it. So, me and my friends, we ended up shooting another gang and then we were charged and convicted. We were sentenced to life in prison.

At first, the reality didn't hit me yet. I thought, "I'm still young. I grew up in a good household." I had this sheltered kind of thinking, like, "nothing bad will ever happen to me." So I had that type of mindset, the first year, and then we went to trial, and we got convicted. At that time, I was 17 years old. I still remember that day, it was October 18 2007, when they found us guilty for all these charges. And we were sentenced to 82 years to life.

At that moment, that was the starting point of my change. Because that's when I realized, like, this is serious, this is for life. They're telling me that I'm never ever going to get out. So that's when reality hit me. And that's when I started thinking about all the choices that I made. All the people that are hurt, and all the pain that I put my family through. I even thought about my little dog Snow. I thought about how lonely she'd be and who would take care of her. I started thinking about all those things. At that point, I just, I just believed that my life was over, and I didn't want to be known or remembered as this young kid, this young punk that was a gang member that committed this crime. I wanted to be someone different.

Eventually I was able to get parole and was released from prison early, but as soon I was released, I was detained by ICE agents because of my undocumented status. The agents were waiting for me outside upon my release and took me to their facility in Bakersfield. This was

around the time when Coronavirus was spreading, so it was going crazy and a lot of people in the facility were catching it.

Fortunately, I was released after only 10 days after being granted parole by the Governor, but despite that I still felt devastated. I was devastated by the fact that just because I was born in a different country, I'd have to be detained again, whereas other people born here don't have to go through that process. It's inhumane, and I know many people that are still stuck in that detention center.

I'm currently out on an ankle monitor. But there is a little sense of fear that I could be detained again, pending deportation, if they do decide to deport me back to Korea.

From the Biden Administration and Congress, I hope that people like us, people like me, are able to stay with our families. My father passed away while I was in prison, so my mother is all I have and I am all that she has, so I want to be able to build my life here, build something that I can give back.

I believe I'll be more of a value here than in Korea. I understand the culture, understand the struggles the young kids go through, and I can share my story of gang culture and prison experience and help many people. I want to build my life over here, and I hope that something that I have committed as a teenager won't hold me accountable for the rest of my life. I've served my time, and I've addressed all those issues in front of the parole board members and even before the Governor of California. But I hope that Biden or anybody else in Congress is able to see us people for who we are today. Not the things that we have done decades and decades ago, but the value that we're able to bring today, and I'm impacting people's lives as much as I can being of service.

But without status, I can't get a job, and I need a work permit which takes a long process, so I can't just work anywhere I want to. There's a whole lot of obstacles that I have to go through. I feel like people aren't willing to invest in me because of my undocumented status and that I can be taken away anyway. Even in my personal life, I feel like sometimes I'm hesitant to build relationships or meet somebody, knowing the fact that I can be taken away at any moment. I feel like, in a sense, I'm free, but I'm still in prison.

I try not to let those mental things get in the way. I just want to give back as much as I can. I know, as a young kid, I've taken so much from my community, but now, as a young man, I just want to give and give and give and continue to change people's lives wherever I go.

But I can't do that. Because I'm not a citizen, I can't do that. But I want to. I want to be able to stay here with my family, to go to school, to get the job that I want. I want to be able to meet people, to marry somebody and start a family here and not have everything feel like it's in shambles or limbo. There are certain things that I don't think about, that I can't think about

because I have to deal with this first. And I don't want to bring anybody down along with me going through this process.

I want to be somebody notable, somebody that's making drastic change in our community for people like me, and I want those people to know that there are people like us fighting every day for not just freedom, but to be better and to encourage people to be better around us.”

More stories like Justin and Chan's are published at citizenship4all.live/our-stories

Appendix B, Chan's Story

“When I was a teenager and I thought there was a problem with me, I absolutely refused to tell other people about it sometimes because of pride, sometimes because of shame. I never really opened up to my friends, my parents or teachers about my depression until after high school and a few years into community college. Success, particularly academic success, defined a lot of my self-worth when I was that age. Some kids would try to be on par with their parents and teachers' expectations; others would strive to go even beyond those expectations. But, I couldn't even get near where I wanted to be. And after a certain point, I didn't even know where I wanted to be. I wasn't motivated because I couldn't see where I was going. And with no citizenship, another issue I had was that, legally, I didn't understand my boundaries either.

When I felt stuck and tried to look for alternatives, such as grants, scholarships or loans, I'd be hit by the same wall because I am not a citizen. I started internalizing these failures as my own, not the failures of a legal system. If I were to meet a wall, my depression would kind of coil around it, because it was kind of malleable and could weave into different contexts. It got to a point where I attempted suicide about seven times, not just in high school, but in total. I still remember one of those times, I was standing above a bridge. My feet were on the lower part of the railing and I was looking down at the highway, thinking about how fast those cars were going and then myself, kind of just standing in place.

I was wondering what's left for me to do. What other options do I have before I fall one last time? In hindsight, it's very frightening to know that I was so desensitized to my own life's worth that the only thing on my mind was to jump. I say “in hindsight,” but I still live with depression. But, now, my idea of living with depression is, kind of, coming to terms with it. I can't think of a phrase that better encompasses all the different points in my head. They're not something I expect to “beat,” in the conventional sense. Instead, I've been able to live with myself a little better, understand myself more.

When I first started learning about immigration justice, I went to DC and that was when I saw, for the first time, a big rally. I met many Dreamers, a lot of other people who are really great people. We shared a lot with each other; we reflected together. It wasn't so much the people had a problem-- but it was clear there was, simply put, different levels of success. These narratives

with happy endings--whether it's the Dreamer narrative or "depression-is-just-a-phase,"-- I found them soul-crushing, not because anyone was out to hurt me, but because these seemingly harmless narratives influenced how we interact with each other, how we express ourselves. They reminded me that I was different or weak.

A lot of the time when people are shown in a very positive light, it's often so blinding that it scares those who are in a darker place. I realized that these people around me at that time were very motivated, very successful, very driven. They had a purpose. They had a plan. They had a future. I saw a lot of drive with this movement to get people recognized because of their success and their ability to excel. But there was no mention of people who are struggling. And when I say struggling I don't mean struggling to go further and beyond. I am talking about the [kind of] struggling where you're in a spot that is far below par. And in my case, I'm not really struggling, just failing instead.

And since my story contained so many failures, I felt like I couldn't bring up my story there among the Dreamers; it wouldn't fit. There are numbers that tell us how much Dreamers are contributing to this economy. How many immigrants are working and making this much, so on and so forth. These statistics do not include people who are not contributing or can't contribute yet. It's a very obvious point but, because of that, from my perspective we don't count as people in their numbers and in their narrative.

To me, Citizenship4All would mean one less unjustified wall. We shouldn't have to feel like we have to prove ourselves, to earn citizenship and rights. Many people, including myself, will be able to at least consider walking forward, now that there's options and potential that come with citizenship. With Citizenship4All, I want people to understand that it's okay to not be okay, that they do not have to be the ideal to deserve these things. And moving forward, I hope people try to keep themselves more open to the circumstances of other people, to try not to assume that just because you have succeeded in one way that another person can also succeed in that same exact way, even if they are given the same resources. And especially for anyone younger who ends up reading this, I hope that you can understand it is okay to look for help.

You are not weak for looking for help. You are stronger by looking for help, because that means you were able to acknowledge your struggle and are willing to take the necessary steps to move forward. Looking for help does not mean you're giving in; if anything, you're making more options for yourself."

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Appendix C, Anissa's Story

"I was born in Jamaica in 1970. My mother moved to Panama when I was 4 years old and then abandoned me and my younger sister with my grandfather. That was a horrible experience

because we suffered sexual abuse by my uncles, but when we told my grandfather, he accused us of lying and sent us to an orphanage. At the orphanage, my sister and I weren't fed properly and we would get donations from the U.S. military, the donations would come in and they would take pictures with us and send the pictures back to the States and then take all of the gifts away.

When I was 11 years old, my sister and I were adopted by a military family. My adoptive father was a U.S. Sergeant who had been serving in Panama. We were even almost "US Army Family of the Year" and were flown all the way to Washington D.C. to have our pictures taken.

Growing up in America, I always felt different because I was adopted. This became worse when I turned 13 because I was diagnosed with a rare cancer in my left leg that caused me to lose my leg three inches above the knee. I would hear, "Don't be ungrateful—if you were not adopted you would have been dead from cancer."

After I graduated from high school, my mother pushed me to marry for insurance purposes. She told me, "you need someone to cover your leg costs once you graduate you won't be covered by your father's insurance." He turned out to be physically abusive and pushed me down the stairs three months after having my daughter, Vanessa. After that, I knew I had to leave him because I didn't want that kind of life for Vanessa.

Life as a single mother with zero support was hard and I took a seasonal position at a retail store to pay heating bills and be able to afford Christmas gifts for Vanessa. Things were going well for a while and I even earned enough to fix up my car a little. One day, an old high school friend came to the store to return gifts but couldn't find her receipt. She asked me to help her out so I did. I put the money back on her card and didn't think anything more about it.

A few months later, the sheriff came knocking on my door asking questions. When I told them what my friend had told me and that I'd helped her out because she was my friend, they arrested me. I was told if I accepted a plea, my work would write a letter and I'd get out on work release in six weeks.

When I was incarcerated, ICE came to see me. I didn't know who they were or what ICE even stood for. I got confused because they started asking me "what border did you cross?" and I was like "huh, I'm an American, I was adopted". When they left, I thought I was fine because I was adopted, but then ICE came back and told me I wasn't a citizen and I was going to be deported.*

**Note: Anissa's parents filled out the proper paperwork for her naturalization, but the U.S. government failed to issue her legal permanent residency (green card) until 6 years later which made her ineligible for citizenship because she was over 18. Neither she nor her parents were ever notified.*

I called my mom and I told my mom, "I just got an order of deportation." Her response was "how is that possible?" and that she'd talk to a lawyer. The last time we spoke, my mom said that

she wouldn't be talking to me anymore since she could get in trouble for child trafficking because of how my adoption paperwork was handled. She said they did the best they could, and this was happening to me because I broke the law. Meanwhile, because of my disability, I was placed in an infirmary where I was locked in for 23 hours of the day with one hour to shower and make phone calls.

I cashed out my 401k to get a lawyer, but then she passed away from an asthma attack. I was going to cash out a second one to hire another lawyer, when one of the ICE Agents said "Ripley, you're not the first adoptee to be deported and you won't be the last." He convinced me that I would be deported no matter what and it would be easier to fight from the outside. What could I do? I only had one leg and my prosthetic was broken. The ICE agents often didn't even shackle me saying "well where she's gonna go?"

When I was deported to Jamaica, the Jamaican government didn't believe I belonged and I had to explain that I was adopted. Eventually, I was able to cash out my second 401k to rent a room and bring Vanessa to Jamaica. Money went quickly. Vanessa and I moved to Panama and I got a job at a call center (the highest paying job I could find) where I made \$3.47 an hour. Life in Panama was hard and neither of us spoke Spanish. We found a house in a dangerous place called Veracruz. I was even robbed at gunpoint. Being poor in the US is one thing but being poor in a third world country is another.

I don't get any COVID assistance that the government here is giving out because they assume I'm American. I can't get health insurance because my cancer is a pre-existing condition and when I went to the free clinic the doctor wouldn't treat me because of my accent and told me I could afford the real clinic. It's hard with my prosthetic—I could only get a new one because of donations from adoptees back in the U.S. I can't lie on my stomach because I have a very large uterine fibroid that needs surgery but I can't afford it. The U.S. doesn't want me and Panama doesn't know what to do with me. Life is very hard here. It's a struggle everyday.

When Vanessa was in high school, a friend from church suggested I send her back to the U.S. to get her GED. Sending her back was the hardest thing I ever had to do in my life, but I did it because I knew she could have a better life. I only see her every 2-3 years. I want to be there for her, hold her when she cries, be her mom. But it's very hard, I can't do anything for her and I can't even afford to help her when she needs it. We were supposed to have our Christmas in April this year but it had to be cancelled because of COVID. My sister just passed away this year and I had to say goodbye to her over Skype. Vanessa is almost 30. What if she has kids? I don't want to be a grandma through skype.

If adoption is supposed to be a forever happy family, why am I deported? The phrase "adoptee without citizenship" is mind-boggling. I don't believe that makes any sense."