

June 18, 2013

Dear Senator:

On behalf of the National Women's Law Center, an organization that for more than 40 years has worked to expand the possibilities for women and girls in the areas of education and employment, family economic security, and health, we are writing to urge you to ensure that the needs of immigrant women and their families are taken into account as you consider the comprehensive immigration reform bill (S. 744). As workers, taxpayers, and caregivers, immigrant women play a key role in our nation and our economy. As mothers, wives, sisters, and daughters, they are central to the health and success of families. Comprehensive immigration reform must honor these contributions and ensure that immigrant women have a fair opportunity to succeed in the United States. Below we set out several principles that should guide your consideration of S. 744.

Ensure that immigrant women have fair access to the path to citizenship and to green cards. In many instances, patterns of pervasive discrimination will have excluded immigrant women from the educational and employment opportunities available to men. For many reasons, including discriminatory exclusions from opportunity in their home countries, the gender wage gap in the United States, the fact that immigrant women often perform low-paid work in the informal economy, and because women are more likely than men to bear the expense of caring for children and other dependents, immigrant women typically have fewer economic resources than their male counterparts and will have often have less documentary evidence of their employment history. The path to citizenship must not compound this inequity by disproportionately excluding women based on their economic circumstances, the nature of their work, or their caregiving responsibilities. In addition, the merit-based green card system must value women's work, take into account the different paths that lead immigrant women to the United States, and ensure that past discrimination does not exclude women from lawful permanent residence in the United States. As the Senate considers amendments to S. 744, the Center urges you to protect S. 744's provisions allowing primary caregivers and individuals with third-party affidavits attesting to their employment history to remain on the path to citizenship, as these provisions are crucial for immigrant women. The Center also asks that you support amendments that improve immigrant women's ability to achieve legal permanent resident status by making certain that immigrant women will not be shut out from the path to citizenship or the merit-based green card system.

Protect against employer exploitation of immigrants. The protections provided by our nation's labor and employment laws against discrimination, sexual harassment, wage theft, retaliation, and other forms of exploitation are key to the ability of immigrant women workers to provide for themselves and their families without employer abuse. However, immigrant women workers are often unable to enforce these important protections because of the risk that speaking out against discrimination and abuses will expose them to immigration proceedings and deportation. In the worst cases, this can result in workers enduring extreme versions of sexual harassment, including sexual assault, and wage theft and abuses that approach slavery

conditions. S. 744 includes important provisions enhancing the protections and remedies available to immigrant workers who challenge or report workplace abuses, thus reducing the perverse incentives current law provides employers to hire and exploit undocumented immigrant workers. The Center urges you to protect these provisions against any harmful amendments.

Ensure work authorization for spouses. Currently only 27 percent of employment visas go to women. S. 744 provides for work authorization for the spouses of some employment visa holders, but the spouses of H1-B holders would only be allowed to seek employment if the sending country provided reciprocal treatment for spouses of U.S. workers. Spouses of employment visa holders must be permitted to work outside the home, to ensure that women and families can achieve financial security.

Make affordable health care available to lawfully present immigrants. Women on the path to citizenship should have the same access to health insurance coverage and health services as other women across the country, including vital maternity services and other elements of reproductive health care. When women struggle to get necessary health care or go without that care altogether, the consequences of this failure of the system can greatly damage women's health, work, and financial well-being. For example, women are more likely to have chronic health conditions that require continuous health care treatment. Women also use more prescription drugs on average, and certain mental health problems affect twice as many women as men. Maternity care—the health care that a woman receives during pregnancy, childbirth, and postpartum—is one of the most common types of medical care that women of reproductive age will receive. The cost of services is a significant barrier to accessing preventive care, with women more likely than men to skip preventive services because of cost. And, a lack of preventive care – particularly prenatal care – carries a heavy price. Prenatal care prevents complications and costly hospitalizations, and women who go without prenatal care are four times more likely to deliver low birth weight infants and seven times more likely to deliver prematurely than women who receive prenatal care. Additionally, reproductive health is a key determinant of overall women's health. Comprehensive, affordable health care is essential for women's well-being. As you consider S. 744 and amendments to the bill, the Center asks that you support measures that improve immigrant women's ability to access comprehensive insurance coverage that meets the needs of women and oppose measures that reduce their ability to access this important coverage or impose health insurance requirements on them that are more burdensome than those imposed on any other category of people.

Maintain access to Social Security benefits for lawful immigrants. By working and contributing to Social Security, workers earn benefits for themselves and their families when income is lost due to retirement, disability, or death. These benefits are vital to the economic security of millions of Americans, but are especially important to women. Under current law, noncitizens who have worked and paid into Social Security can claim benefits if they are lawfully present, have received work authorization (if their Social Security number was assigned since 2004), and meet all other requirements. They can seek a correction to their work history to receive credit for all of their work and contributions prior to receiving work authorization. The Center asks you to reject any amendments which would deny lawful immigrants the opportunity to get full credit for their contributions and the full benefits they have earned.

Preserve tax credits for lawful immigrants. The Earned Income Tax Credit (EITC) and Child Tax Credit (CTC) help offset the other taxes that families pay and boost the wages of lower-income workers – disproportionately women – to help them lift their families out of poverty. Denying access to the EITC and CTC to newly legalized workers would create a two-tier tax system, requiring these workers to pay higher taxes than other workers. In many cases it would tax them into, or deeper into, poverty, instead of helping them escape it. The Center asks you to reject any amendment that would limit access to the EITC, CTC, and other tax credits to people working legally as registered provisional immigrants.

Extend critical safety net protections to lawful immigrants. Immigrants on the path to citizenship are required to work and pay taxes under S. 744. But if their earnings are too low to feed their families, or they become disabled and unable to work, S. 744 denies them access to help from the Supplemental Nutrition Assistance Program (SNAP), Children’s Health Insurance Program, Temporary Assistance to Needy Families, Supplemental Security Income, and certain other means-tested programs. Giving lawful immigrants access to these benefits is not only fair and humane; by preventing hunger, homelessness, and destitution, they promote a healthier and more productive workforce and a stronger economy. The Center asks you to support amendments that would extend access to these supports for lawful immigrants and to reject any amendment that would further restrict access.

Protect survivors of domestic violence, sexual assault, and trafficking. Immigrant women are particularly vulnerable to abuse when partners, traffickers, or unscrupulous employers use women’s lack of status or dependent immigration status as a weapon to exercise power and control. S. 744 includes a number of important provisions that enhance the safety and security of immigrant survivors of violence, including provisions that allow an abused spouse and children to maintain their own immigration status and worth authorization independent of an abusive spouse or parent and expanding the U-visa program for immigrants who assist in the investigation or prosecution of various crimes and civil workplace violations. The Center urges you to support these important protections as the bill moves forward.

Help keep families together. The family immigration system has been the primary way that immigrant women have attained legal status in the United States. The Center supports proposals that help reunite families, including the brothers, sisters, and adult children of immigrants. Thank you for your attention to these important principles as you consider S. 744,

Sincerely,


Marcia Greenberger


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