



## **The RAISE Act Would Separate Families and Harm Our Economy**

The “Reforming American Immigration for Strong Employment Act” (“RAISE Act”), re-introduced in August 2017 by Senator Tom Cotton (R-AR) and Senator David Perdue (R-GA), would decimate the family-based immigration system and cut the number of green cards available in any given year by 60 – 70%. Asian Americans Advancing Justice | AAJC is alarmed by this restrictionist legislation that would keep families apart and roll back the transformative progress our country has made over the past half century. The RAISE Act, originally introduced in the Senate as S.354, would dismantle the Immigration and Nationality Act of 1965 that created the existing family-based immigration system and finally allowed immigrants from non-European countries to come to the U.S. in larger numbers, creating the diversity we see in America today. The 1965 law reunited countless American families with their loved ones abroad and eliminated the previous racist national origin quotas that heavily favored European immigrants.

Though the first version of the bill had no “merit-based” immigration provisions, the RAISE Act was reintroduced in August 2017 with a point-based immigration system added to the bill in order to disguise its true restrictionist intent. President Trump endorsed the bill at its reintroduction. In justifying their bill, the President and Senators explicitly blamed immigrants for the declining wages of some native-born workers and erroneously claimed that immigrants are a drain on the welfare state, which the [AP](#) and other news outlets were quick to debunk.

We reject this false dichotomy of being pro-immigrant or pro-American worker. Congress should focus on policy solutions that promote economic security and prosperity for all members of our society, immigrant and native-born alike.

**The RAISE Act proposes the following harmful changes to our immigration system. It would:**

- **Cut the number of immigrants provided green cards by 60 – 70%.** The bill would cut the number of green cards made available in any given year by up to 70% percent of today’s levels.
- **End the family immigration system.** The bill would strip the rights of U.S. citizens to apply to bring their parents, siblings, and adult children to the United States as lawful permanent residents and eliminate the ability of lawful permanent residents to sponsor their unmarried adult children for green cards. The bill would also lower the age of minor children from 21 to 18. Essentially, the only family-based sponsorship option available would be for U.S. citizens and lawful permanent residents to sponsor their spouse and children under 18 years of age. Additionally, the bill lowers the number of green cards

*This factsheet was revised on August 4, 2017 based on the re-filing of the RAISE Act.*

allocated for family-based sponsorship to a mere 88,000 per year. This is much lower than the current levels. In FY2015, around 673,000 people received green cards through the family-based system (many of the people who received green cards were already living in the US).<sup>1</sup> This bill would also cut off U.S. citizen children born in the U.S. from sponsoring their undocumented parents. Currently, a small number of parents may adjust status if they meet the strenuous waiver requirements. Finally, the bill would cut off people waiting in line for their family-based visas. Only people scheduled to receive an immigrant visa under the current system within one year after the date of enactment of the bill would receive them. Everyone else waiting in line would be cut off.

- **Eliminate the Diversity Lottery.** The bill would end this immigration pathway which allows up to 50,000 people to immigrate annually from countries with low rates of immigration to the United States. Asian countries that are eligible for the diversity lottery for FY2017 include, but are not limited to, Nepal, Burma, Thailand, Malaysia, Indonesia, Laos, Cambodia, Taiwan, Japan and all Middle Eastern and Central Asian countries.
- **Cap the number of refugees allowed in to the US to 50,000 per year.** This is significantly lower than previous levels. In FY2016, the US welcomed 84,995 refugees, and the number admitted had been trending upward due to the global refugee crisis. President Obama set the refugee level for FY2017 at 110,000, although it was lowered by recent executive orders.<sup>2</sup>

**The new version of the bill adds a merit-based immigration system that provides 140,000 green cards per year** (the same as the current employment-based system) issued to people based on a point system based on the following criteria:

- **Age:** Range from 2 points: 46 – 50 year-olds to 10 points: 26 – 30 year-olds
- **Educational Attainment:** Ranges from 1 point for high school degree to 13 points for a U.S. professional degree or doctorate degree in a STEM field
- **English Language Ability:** Ranges from 12 points for people scoring in the 90<sup>th</sup> – 99<sup>th</sup> percentile on English language test to 6 points for those scoring in the 50<sup>th</sup> – 60<sup>th</sup> percentile. People scoring lower receive no points.
- **Job Offer Salary Range:** Ranges from 5 points for annual salary is at least 150% of the median household income in the state of employment to 13 points for a salary that is at least 300% of the median household income in the state.
- **Investment in, and Active Management of, New Commercial Enterprise:** 6 points for investing the equivalent of \$1,350,000 in foreign currency in a new commercial enterprise and 12 points for investing the equivalent of \$1,800,000 in foreign currency in a new commercial enterprise.
- **For family members who were in the backlog but cut out by the Act:** 2 points

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<sup>1</sup> This number includes both immediate relatives of U.S. citizens and family-sponsored visas. Frequently Requested Statistics on Immigrants and Immigration in the United States,

<http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>

<sup>2</sup> As of this writing, the Executive Order setting the refugee limit to 50,000 is currently blocked by a federal court.

- **People with extraordinary achievement:** 25 points are awarded for Nobel Laureates or comparable recognition, and 15 points would be awarded for an Olympic medal or similar award.

**Other Provisions:** The bill would bar every member of an immigrants' household from obtaining means-tested benefits for five years. While most immigrants are already barred from receiving such benefits for five years, this would extend the bar to their U.S. citizen children and spouses. The bill would also deny citizenship to immigrants unless and until their sponsor has reimbursed the Federal Government for any means-tested federal benefits the immigrant used in the first five years. These provisions are cruel and unnecessary and attack people who have experienced personal and family hardships, disabilities or health conditions.

### Talking Points

Immigration policy is of vital importance to Asian American and Pacific Islander (AAPI) communities. There are an estimated **22 million Asian Americans, Pacific Islanders and Native Hawaiians** living in the United States.<sup>3</sup> While Asian Americans have been part of the fabric of American society for centuries, today, nearly two-thirds of all Asian Americans today are foreign-born and **92% of Asian Americans are immigrants or the children of immigrants.**<sup>4</sup> While many have arrived as refugees, asylees, students, or through employment-based immigration, the vast majority of AAPIs have arrived through the family immigration system; in 82.1% of visas issued for Asian countries were family-based. These immigrants and their children are workers, business owners, caregivers, friends, and neighbors that contribute to our economy and communities in a myriad of ways.

Cutting off the backlogs will disproportionately affect AAPIs. As of November 2016, there was a worldwide family immigration backlog of 4.3 million aspiring immigrants. The Philippines, India, Vietnam, China, Bangladesh, and Pakistan appear in the top ten countries with the highest waiting list totals for family-sponsored immigration, comprising 34% of the worldwide total.<sup>5</sup>

**Family unity is a central tenet of our immigration system.** Everyone needs family. Immigration is fundamentally about people planting permanent roots in a new country and should take into account the human need to live with and care for one's family. Family members provide care for children and sick and elderly relatives so that other family members can work. Family members step in to provide support in times of personal and economic hardship. Caretakers, who are predominantly women, spouses, mothers, grandmothers, and aunts, do often

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<sup>3</sup> Annual Estimates of the Resident Population by Sex, Race Alone or in Combination and Hispanic Origin for the United States, States, and Counties: April 1, 2011 to July 1, 2015, <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

<sup>4</sup> Chapter 2: Demographic Portrait of Adult Children of Immigrants, <http://www.pewsocialtrends.org/2013/02/07/chapter-2-demographic-portrait-of-adult-children-of-immigrants/>

<sup>5</sup> Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based Preferences Registered at the National Visa Center, <https://travel.state.gov/content/dam/visas/Statistics/Immigrant-Statistics/WaitingListItem.pdf>

unpaid and undervalued work that enables their family members to work outside the home and contribute to our economy.

**Family immigration is good for the economy and our country.** Together, families buy homes and start businesses that create jobs. Many immigrant business owners came through our family-based immigration system. Immigrants started 28% of all new U.S. businesses in 2011, despite accounting for just 12.9% of the U.S. population.<sup>6</sup> 1.9 million Asian American owned businesses provided 3.6 million jobs and had receipts of \$700 billion in 2012.<sup>7</sup> A person's educational attainment is not a measure for the creativity, entrepreneurial spirit, or grit to open a small business or create innovation.

**All people are valuable.** While the economy is important, we should be careful not to create an immigration system that treats people like commodities. It is vital that the U.S. continues to be a safe haven for those seeking refuge from violence and persecution. We take pride in the idea of America as a land of opportunity for all. We are further concerned that a "merit-based system" will prioritize the immigration of men over women due to gender discrimination in other countries where women do not have equal educational or employment opportunities.

**All work is valuable.** Our current employment-based visa system only allows certain types of high-skilled workers to come to the U.S., and does not provide a path for many immigrants who truly seek economic opportunities at different skill levels that our economy needs. Most low-wage workers come through the family-based immigration system or are undocumented and fill vital roles in our economy.

**The "merit-based immigration system" is part of an anti-immigrant restrictionist agenda.** The American public should not be fooled by the labeling of this bill as "merit-based." The clear goal of this bill is to reduce the number of immigrants to the United States. Immigration will be limited to the wealthy and more privileged, ending the vision of our Nation as a "land of opportunity."

**The RAISE Act is part of a dangerous narrative seeking to vilify and scapegoat immigrants for all of society's problems.** In justifying this bill, Senator Cotton blames immigrants for the declining wages of native-born workers with a high school education or less. This bill is part of a larger strategy to attack immigrants. The refugee and Muslim ban and the creation of the Victims of Immigration Crime Engagement ("VOICE") office to vilify immigrants are other pieces of that effort. Studies have consistently shown that immigrants are not to blame for declining wages or unsafe communities. This notion is completely unfounded and fosters an offensive race-baiting and xenophobic narrative.

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<sup>6</sup> Open for Business: How Immigrants Are Driving Small Business Creation In The United States, <http://www.newamericaneconomy.org/research/open-for-business-how-immigrants-are-driving-small-business-creation-in-the-united-states-2/>

<sup>7</sup> Asian-Owned Businesses Nearing Two Million, <https://www.mbda.gov/news/2016/08/asian-owned-businesses-nearing-two-million>

**The RAISE Act discriminates against elders and middle-aged people.** The merit-based system awards points to people based on their age. Those who are aged 46 to 50 receive very few points (2) and those who are over 50 receive no points at all. The maximum number of points goes to those aged 26 – 30, who receive 10 points. The bill further discriminates against those who are older through the offensive treatment of parents of adult children who would not be offered work authorization and prevented from ever becoming lawful permanent residents or citizens.

**Our immigration system should reflect our values.** Our family-based immigration system has served our nation well. We should maintain an immigration system that is true to our American values and spirit as a land of opportunity for all people regardless of their race, religion, national origin, gender or educational attainment. As a nation, we are stronger and at our best when we recognize and respect the contributions of all those who call America home. AAPIs and immigrants are America's families, workers, and neighbors seeking to build the American dream.