Immigration Reform: Key Issues for Older Adults, Individuals with Disabilities, and Home and Community-Based Services

April 4, 2013
With support from The SCAN Foundation, NCOA leads a coalition of national aging and disability organizations working to protect and strengthen Home and Community-Based Services.

For more information about The SCAN Foundation visit: www.TheSCANFoundation.org
Caring Across Generations
Friday Morning Collaborative

- American Association on Health and Disability
- American Association of People with Disabilities
- AARP
- Alliance for Retired Americans
- American Network of Community Options and Resources
- The Arc of the United States
- Association of University Centers on Disabilities
- Alzheimer’s Association
- Balezon Center for Mental Health Law
- Center for Medicare Advocacy
- Community Catalyst
- Direct Care Alliance
- Disability Rights Education & Defense Fund
- Easter Seals
- Families USA
- Leading Age
- Lutheran Services in America
- National Association of Area Agencies on Aging
- National Association for Home Care and Hospice
- National Committee to Preserve Social Security and Medicare
- National Council on Aging
- National Council on Independent Living
- National Consumer Voice for Quality Long-Term Care
- National Disability Rights Network
- National Domestic Workers Alliance and Caring Across Generations
- National Health Law Program
- National PACE Association
- National Senior Citizens Law Center
- Paralyzed Veterans of America
- Paraprofessional Healthcare Institute
- Service Employees International Union
- United Spinal Association
- VNAA – Visiting Nurse Associations of America
Power Point

• Can I get a copy of the Power Point?
• Will an Archive of the webinar be available?

YES!  YES!  YES!

• You will received copies in a follow up e-mail early next week. Please share wit others!

• www.ncoa.org/HCBSwebinars
Questions and Comments

All Lines Will Be Muted During the Call
To Ask A Question Use the Chat Function

We Will Take Live Questions at the End
Webinar Overview

• Introduction
  – Joe Caldwell (National Council on Aging)
  – Jason Coates (National Hispanic Council on Aging)

• Speakers:
  – Jenny Rejeske (National Immigration Law Center)
  – Ai-jen Poo and Sarita Gupta (Caring Across Generations)
  – Rahnee Patrick (Hand in Hand: The Domestic Employers Association & Access Living)
  – Ivy Ngo (Southeast Asia Resource Action Center –SEARAC)
  – Eva Dominguez (Alliance for Retired Americans & Latinos for a Secure Retirement)

• Questions and Answers (20 – 30 minutes)
Immigration Reform: Key Issues for Older Adults, Individuals with Disabilities, and Home and Community-Based Services

Jenny Rejeske
Health Policy Analyst
National Immigration Law Center

Thursday April 4, 2013
Today’s Immigrant Families

40.4 million foreign-born
13% of total U.S. population

- Naturalized Citizens (18 M)
- LPRs & Other legal immigrants (11.2 M)
- Undocumented (11 M)
Geographic Distribution

Traditional “gateway” states:
- CA, NY, NJ, FL, TX, IL, MA, WA

States with fastest growth:
- South: NC, GA, AR, TN, SC, KY, AL
- West/Southwest: NV, NE, UT

Attributable to economic/job opportunities for low-skilled labor (e.g., agriculture, construction, hospitality, restaurants)
Overview of Immigration Process

- 1986 – Immigration Reform and Control Act
- Difficult process – not all eligible to “get in line”
- Enter legally? Criminal history?
- Family, employment, humanitarian
- 4.4 M “in line” – in the family and employer backlogs
  - Annual limits (e.g. 10 K for “unskilled” workers)
  - Demand far exceeds number of visas
  - Wait to reunite with family can be a few years to decades
- 11 M undocumented immigrants
Detention & Deportation – highest in history
- 400,000/year deported
- 1,100/day deported
- 34,000/day in detention

Families broken apart
Can be detained without just cause
No right to legal counsel
Most sign away right to see a judge and agree to be deported right away – without understanding what they’ve signed
Key Components of Immigration Reform

Roadmap to citizenship for 11 M undocumented immigrants
- New “provisional” immigration status with work permit before eligible to apply for a green card (lawful permanent resident – LPR)
- How long, how hard? Special populations? (DREAMers)
- What are they eligible for?

Fix the family and employment backlogs

Border security and interior enforcement – with due process protections

E-Verify for all employers, all of us

Future flow – legal channels to immigrate
Overview of Immigration Reform Efforts - Senate

- Bipartisan “gang of 8” – Schumer (D-NY), Menendez (D-NJ), Durbin (D-IL), Bennet (D-CO), McCain (R-AZ), Graham (R-SC), Rubio (R-FL), Flake (R-AZ)
- Introduce bill in early-mid April
- General agreement, roadmap to citizenship, future flow
- Once bill introduced, will be sent to Judiciary for consideration/mark up – 4/25 - earliest date of markup
- Senate floor action in May/June
- NILC’s analysis of Senate framework: http://www.nilc.org/irsenatorframework.html
Overview of Immigration Reform Efforts – House

- Very secret bipartisan negotiations continue – “club of 8” – Lofgren (D-CA), Gutierrez (D-IL), Becerra (D-CA), Yarmuth (D-KY), Diaz-Balart (R-FL), Labrador (R-ID), Sam Johnson (R-TX), John Carter (R-TX)

- Speaker Boehner, Leader Pelosi briefed in mid March

- “Really close to reaching a deal”
Overview of Immigration Reform Efforts – White House

President Obama interviewed by Telemundo 3/27, confident Senate will introduce bill in April, believes bill can be passed by Congress by August

Has been developing own bill and will send to Congress/Chairman Leahy if negotiations don’t proceed quickly

NILC analysis of President’s leaked bill: http://www.nilc.org/immreform2013wh.html
Access to Health Care & Economic Supports in Immigration Reform

It makes sense to have more people paying into the health care system, getting the care they need & not going hungry

- Adding more people to risk pools brings down costs for all
- Reduces burden on safety net providers if more people have health insurance
- More likely to receive preventive & primary care and not delay until costly emergency
- We’re all better off when our family members, neighbors, our kids’ classmates, community members have access to health care and economic supports
Review Eligibility for Federal Public Benefits and the Affordable Care Act

**Medicare**
- LPRs, 5 year waiting period, 40 work quarters

**Medicaid, CHIP, SNAP, TANF, SSI**
- “Qualified immigrants” – LPRs, humanitarian immigrants (refugees, asylees, others)
- 5-year bar
- Exception: Medicaid/CHIP state option for lawfully present children & pregnant women & Emergency Medicaid

**Affordable Care Act**
- Lawfully present – LPRs, humanitarian immigrants, applicants, student/employment visas, TPS, deferred action (except DACA), others
- Eligible for subsidies, Pre-Existing Condition Insurance Plan, Basic Health Plan

Health/Nutrition Priorities for IR

1. Do No Harm to existing eligibility
   • No new waiting periods, restrictions, exclusions

2. Eliminate 5-year bar to Medicaid, CHIP, SNAP
   • Turns into 11-15 yr bar with provisional status

3. Deem time in provisional status toward 5-year bar

4. Immediate eligibility for ACA programs
   • Including premium tax credits & cost-sharing reductions

5. Bolster and protect the safety net
Challenges

Cost
- Eligibility for ACA subsidies, changes to public benefits
- Unfavorable scores from CBO in past

Politics of Affordable Care Act

Amendment process – defense
- Sen. Sessions amendment to budget resolution would have restricted individuals who were previously undocumented from EVER being eligible for Medicaid or the ACA – all R’s exc Murkowski and Collins voted for it
Jenny Rejeske
Health Policy Analyst

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Sarita Gupta, Executive Director of Jobs with Justice and Co-Director of Caring Across Generations
US Immigration Reform

*Impact on People with Disabilities*

Rahnee Patrick

Director of Independent Living Access Living

Hand in Hand
Hand in Hand is a national network of employers of nannies, housecleaners and home attendants, our families and allies who are grounded in the conviction that dignified and respectful working conditions benefit worker and employer alike.

OUR MISSION
Access Living is a cross-disability organization governed and staffed by a majority of people with disabilities.

Access Living recognizes the innate rights, abilities, needs and diversity of people with disabilities, works toward their full integration into community life and serves as an agent of social change.
“I employ on average 6 home attendants to support me to live independently. I have employed many immigrants. One of my attendants was here from Brazil on a student visa. When school ended, she tried so hard to stay and get a green card, lottery, etc – nothing worked and she had to return to Brazil. It was such a shame – she was one of the best attendants I ever had.”

Hand in Hand member and person with a disability who employs home attendants, Oakland CA
From Washing My Hair to Washington, DC
11 to 12 million undocumented individuals with disabilities

“How will we be included, if at all, in the process and substance of changing immigration policy?” – Rene David Luna, Community Development Organizer for Employment, Access Living
If a path towards legalization will involve primary emphasis on ability to work, where does that leave undocumented folks with disabilities who cannot get hired?
Questions? Call Access Living 312-640-2100 or
Hand in Hand
info@domesticemployers.org
Southeast Asian older immigrants and economic security

Ivy Ngo, Policy Advocate
SEARAC
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(202) 601-2960 ext. 1108
Agenda

- Introduction to SEARAC
- Demographics: SEAA older immigrants and economic security
- Key immigration issues:
  - SSI
  - Family Reunification
Southeast Asia Resource Action Center (SEARAC)
Southeast Asian older immigrants and economic security

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<th></th>
<th>White</th>
<th>Cambodian</th>
<th>Hmong</th>
<th>Laotian</th>
<th>Vietnamese</th>
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<td><strong>Poverty</strong></td>
<td>7.8%</td>
<td>28.3%</td>
<td>26%</td>
<td>14.9%</td>
<td>18.4%</td>
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<td><strong>Receive SSI</strong></td>
<td>4.4%</td>
<td>16.9%</td>
<td>16.3%</td>
<td>11.2%</td>
<td>9.3%</td>
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<td><strong>Disability</strong></td>
<td>35.9%</td>
<td>49.5%</td>
<td>63.7%</td>
<td>40.8%</td>
<td>36.8%</td>
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Supplemental Security Income

- **1996 Welfare Reform**: Antiterrorism and Effective Death Penalty Act (AEDPA) and Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)

- **Eligibility is limited to seven years for non-citizens**

- **How does this impact SEAA?**
  - Resettlement of 15,000 Hmong individuals from Thailand to the United States in 2004-2005 from Thailand
SSI: Policy Solutions

- Challenges to naturalization
  - Advanced age and/or disability
  - Past circumstances, including trauma and lack of formal education
  - Lack of resources and support throughout the naturalization process

- Solutions
  - Delinking of citizenship for eligibility
  - Better access to the citizenship test in different languages
Family (Re)unification

- For many AAPI, immigration to US has been through family reunification
- SEARAC’s emphasis has been on deportation of legal permanent residents
  - Since 1998, 13,000 Southeast Asian Americans have received orders of removal
- Loss of:
  - Economic support
  - Caregiving
Closing thoughts

- Circumstances and barriers that older immigrants face
- Broad impact of immigration reform, and the reality that many families are mixed status
- These policy implications need to be included in CIR
- **April 10 – Rally on National Mall!**
Immigration Reform and Social Security

Eva Dominguez
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Categories

- Dreamers
- Undocumented Workers
Dreamers & Deferred Action

- Two-year renewable grant of “deferred action” if entered US before age 16; are 30 or younger;
- Continuously lived in US for at least five years;
- Not convicted of a felony or significant misdemeanor;
- Currently in school, have graduated from high school or earned a GED, or served in the military.
- Can obtain work permits, but not in lawful status
Undocumented Workers & Payroll Taxes

- Use Social Security Number Issued for non-work purpose (Students)
- Use Stolen Social Security Number
- Obtain Taxpayers I.D. Number from IRS (Individuals also pay federal income taxes)
Undocumented Workers & Social Security

- 11.5 million undocumented individuals in U.S.
- 3.1 million undocumented workers & employers pay Social Security in 2010 ($15 billion a year)
- Trust Fund has $150 billion not claimed
Undocumented Worker & Medicare

- $20.8 billion paid to Medicare (2001-2010)
- Undocumented cannot access Medicare
  - U.S. citizen or legal resident
  - Resided in US minimum of five years
  - Worked 10 yrs. in covered employment
  - Part A ($441/mo.) if not enough yrs.
  - No benefits if retire overseas
Undocumented Workers & Taxes

- CBO estimates undocumented to pay $66B in revenues over 10 years
- Institute for Taxation and Economic Policy estimates undocumented paid $1.6 billion property and $8.4 billion sales taxes in 2010.
- National Foundation for American Study estimated $407B in Social Security over 50 years
Arguments For

- Number paying into system would double
- Immigrants are young
  - 59% of undocumented workers are 25 to 44 years of age
  - They have children
- Undocumented worker would pay federal income tax
Legalization Not a Free Ride

- Long process
  - register with the government
  - pay a fine
  - given probationary legal status allowing them to work
  - "go to the end of the line" to apply for LPR

- High Costs
Questions
Join Caring Across Generations, the National Council on Aging, and the National Hispanic Council on Aging for conversation and advocacy on immigration reform:

**April 16, 2013**
Washington, DC

10am: **Panel on Immigration, Aging, and Disability Rights, featuring:**
James Firman, National Council on Aging
Sarita Gupta, Jobs with Justice and Caring Across Generations
Ai-jen Poo, National Domestic Workers Alliance and Caring Across Generations
Alan van Cappelle, Bend the Arc

12pm: **Lunch and Advocacy Overview**

1pm - 4pm: **Visits with Legislative Staff**

We will bring together consumers, advocates, workers, people of faith and coalition members to let our representatives know that a fair roadmap to citizenship will benefit all our families, and will help to build the economy that supports the generations to come.

Please direct any questions to: trishala@caringacrossgenerations.org
New White Paper

Immigration Reform: Key Issues for Older Adults and People with Disabilities Seniors

– New Policy Brief Released Today
– Please share with others
– www.ncoa.org/HCBSwebinars
Join to discuss what you learned today!

www.NCOACrossroads.org/HCBS

• Online community with over 300 aging and disability advocates across country interested in home and community-based services
  – Listserv and message board functions
  – Share information and resources with others
  – Post questions and discuss issues

• Please complete follow up survey