

The Benefits of Commonsense Immigration Reform

Immigrant and Refugee Women



“We can stay true to our founding creed that in America, all things should be possible for all people. That spirit is what called our mothers and grandmothers to fight for a world where no wall or ceiling could keep their daughters from their dreams. And today, as we take on the defining issues of our time, America looks to the next generation of movers and marchers to lead the way.”

-President Barack Obama, February 28, 2013

From mothers seeking a better future for their families, to small business owners, to refugees fleeing violence and conflict abroad, immigrant women are an essential part of our American family. In 2011, foreign-born females [comprised 13%](#) of the total female population in the United States.

Immigrant women make rich and lasting contributions to our society and economy, and as the majority of immigrants in the United States, women are deeply and adversely impacted by our broken immigration system. In 2011, [women comprised](#) 51% of foreign born individuals, 55% of the population that obtained legal permanent resident status, and 54% of naturalized citizens. Immigrant women comprised 40% of all immigrant business owners in the United States and 20% of all female U.S. business owners as of 2010.¹ Undocumented women working and living in the shadows also enrich our economy but without legal status they are unable to fully participate in our society.

The President has made clear that Democrats, Republicans, and Independents in Congress must work together to enact commonsense immigration reform and bring our legal immigration system into the 21st century. On June 27, the Senate, with a strong bipartisan vote, passed historic legislation that is largely consistent with the President’s principles for reform. The bill would strengthen border security, create an earned path to citizenship for undocumented immigrants, hold employers accountable, and modernize our legal immigration system so that it better meets the needs of families, employers, and workers.

The Senate's Border Security, Economic Opportunity and Immigration Modernization Act (S. 744) represents the best chance that our country has had in years to modernize our immigration system, and key provisions would have significant benefits for immigrant women.

The bipartisan Senate bill would reunite immigrant women with their families by eliminating the backlog of family-based visas. Current family immigrant visa backlogs can separate family members for years and even decades.

- Family-based immigration is a frequent pathway to the United States for immigrant women.
- Women rely more heavily on the family-based visa system due to economic and social constraints that prevent them from equal access to education in their home countries, making it difficult to meet the eligibility requirements of some employment-based visas.
- The current family-based visa backlog prevents millions of potential immigrants, many of whom are women, from joining their spouses and children in the United States.
- The Senate bill would eliminate the family-based visa backlog in part by exempting spouses and unmarried children of lawful permanent residents from annual limitations on family-sponsored green cards, treating them like spouses and children of U.S. citizens.
- By adopting backlog reduction measures and increasing the limit on the number of immigrants allowed each year from individual countries, the Senate bill would eliminate current family visa backlogs in seven years and reduce future wait times for nations with the highest rates of immigration.

The Senate bill would provide a lengthy but fair path to earned citizenship, bringing undocumented women out of the shadows and ensuring they receive equal pay for equal work and fair treatment from employers. The bill would also create an expedited path for DREAMers.

- There are an estimated [5.4 million undocumented women](#) (18 years and older) living and working in the United States. A [2008 survey](#) by the National Employment Law Project found that undocumented women experienced more minimum wage violations than undocumented men. A path to earned citizenship would allow women to legalize their work status and better protect their labor and employment rights.
- The Senate bill would allow these currently undocumented immigrant women to apply for Registered Provisional Immigrant (RPI) status if they entered the United States by December 31, 2011 and meet a rigorous set of eligibility requirements, including registering, paying fees, fines, and taxes, learning English, and passing extensive background checks. RPI status would be renewable after six years, allowing immigrants to live and work in the United States.
- As RPIs, these women would have work authorization, be permitted to travel outside of the country, and be able to apply for similar status for their children and spouse living in the United States.
- The Senate bill would also allow women and dependent children to continue the RPI process in the event of death, divorce or domestic violence of the principal spouse or parent.
- Immigrant women disproportionately act as the primary caregiver in their families, and may not have worked outside the home to meet eligibility requirements for RPI status. The Senate bill would exempt these primary caretakers as well as women who were unable to meet the employment requirements because of a pregnancy.
- The Senate bill would also provide an expedited five-year path to citizenship for DREAMers, making them eligible for citizenship immediately after applying for green card

status if they have held RPI status for at least 5 years, were younger than 16 when they initially entered the U.S., earned a high school diploma or a GED certificate in the U.S., and attended at least 2 years of college, earned a bachelor's degree or serving in the military for at least 4 years with an honorable discharge.

The Senate bill would create a new visa pathway for immigrant entrepreneurs, create a new temporary work visa, and increase the overall number of employment based visas.

- The Senate bill will provide immigrant women business owners and entrepreneurs with more opportunities to obtain green cards.
- For example, the new INVEST visa (“Investing in New Venture, Entrepreneurial Startups, and Technologies”) would allow entrepreneurs who attract a threshold level of financing from U.S. investors or revenue from U.S. customers to start and grow their businesses in the United States, and to remain permanently if their companies grow further and create jobs for American workers.
- The Senate bill would also eliminate the existing backlogs for employment-based green cards, exempts certain employment-based categories from the annual cap, and removes annual country limitations altogether.
- To attract the best and the brightest workers, the Senate bill exempts science, technology, engineering, and math (STEM) PhD and Master’s graduates from the overall cap of 140,000 visas. This will effectively “staple” a green card to the diplomas of advanced STEM graduates from U.S. universities.
- In recent years, immigrant women comprised 23% of all women [receiving STEM PhDs](#) from U.S. universities, and 11% of all such degree earners.
- Immigrant women with other job skills are equally valuable members of our workforce. For example, in the in-home health care sector, where the workforce is overwhelming female, immigrants make up [28% of all workers](#). In addition to the RPI program that would eventually provide citizenship to these undocumented workers, the Senate bill would also create a new W visa category for future foreign nationals seeking U.S. employment as domestic workers or in hospitality, manufacturing and other key industries. They would be able to come into the country safely and work legally, receive protections under our wage and labor laws, change employers and eventually apply for a green card.

The Senate would increase the number of visas for victims of domestic violence and human trafficking, and make key improvements to the refugee and asylum program.

- Due to their higher dependency on primary visa holders, immigrant women are often trapped in abusive relationships for fear of losing their immigration status.
 - The bill would expand the total annual number of available U visas from 10,000 to 18,000. It would also enable applicants with pending Violence Against Women Act (VAWA) petitions, U and T visa applications to receive work authorization no later than 180 days after an application is filed.
 - Between [2009 and 2011](#), 47.8% of refugees and 48.6% affirmative asylees were female.
 - The Senate bill includes provisions that will strengthen existing asylum, refugee and humanitarian visa programs, critical for providing support to women and their families.
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