Legislative/Issues Updates

Attorney General Holder Restores Due Process for Immigrants

On June 3, Attorney General Eric Holder vacated a Bush-era order issued in the Matter of Compean, which stated that immigrants do not have a constitutional right to effective assistance of counsel in removal proceedings. Attorney General Holder's order restores the law to what it was before the Compean decision, and directs the Executive Office for Immigration Review to solicit public comment and initiate rulemaking procedures to evaluate the existing framework for making ineffective assistance of counsel claims.

Senate Releases First Draft of Health Care Reform Legislation

Last week, the Senate Health, Education, Labor and Pensions (HELP) Committee released an unfinished draft of its health care reform proposal. Entitled the "Affordable Health Choices Act," the bill signifies the first major step in the legislative process toward reforming our broken health care system.The bill has five major components (providing choice of coverage options, cost reduction, prevention, health system modernization, and long term care and services) and addresses each issue through a variety of proposals and initiatives. The bill also offers a package of reforms to the individual and group insurance market which would end some discriminatory practices such as using health status, gender, disability, preexisting conditions and type of work to determine premium rates. The legislation includes an option to establish "Health Benefit Gateways" in every state, which would provide eligible individuals and businesses greater access to affordable, quality health insurance by providing a marketplace in which they could shop for qualified health plans including a public health plan option. Low- and moderate-income people (earning up to 500% of the federal poverty line) participating in the Gateway would receive subsidies on a sliding scale to help offset the cost of coverage; however, certain categories of immigrants would be ineligible for subsidies.

The bill also creates a new entity called the "Medical Advisory Council," which would set the benefit levels and define affordability in the Gateway. According to the proposal, the benefit packages whould cover a wide array of services, including mental health and substance abuse, ambulatory patient services, maternity and newborn care, prescription drugs, rehabilitation and habilitation services, and others. The bill does not specify reproductive health care, but the Council is expected to determine whether a benefit package would include family planning services.

Reuniting Families Act Introduced in the House and Senate

On June 4, Congressman Mike Honda (D-CA), along with Congresswoman Linda Sanchez (D-CA) and Congressman Raul Grijalva (D-AZ), reintroduced the Reuniting Families Act. This important piece of legislation contains practical solutions for allocating visas more efficiently, alleviating lengthy wait times that keep families separated for years, and decreasing measures that prevent close family members from obtaining visas. The bill is identical to its Senate counterpart introduced by Senator Menendez last month except that it includes provisions for eliminating discrimination in immigration law against same-sex permanent partners and their families who are seeking to reunite. The Senate Judiciary Committee held its first-ever hearing early this month on the need for justice for bi-national same-sex partners.There are currently 5.8 million people in the family immigration backlog, and nearly half originate from Asian countries. Family members in China, India, and the Philippines face some of the longest waiting periods--sometimes waiting up to 22 years before reuniting with their loved ones.

President Obama Nominates First Ever Latina to Sit on U.S. Supreme Court

On May 26, President Obama announced his nomination of Judge Sonia Sotomayor to fill the Supreme Court vacancy left by Justice David Souter's retirement. If confirmed, Sotomayor will be the first Hispanic and only the third woman ever to hold a seat on the U.S. Supreme Court.

Sotomayor, the daughter of Puerto Rican parents, was raised in a Bronx public housing project. Sotomayor's life experiences and impressive public service career as a prosecutor, federal judge on the U.S. District Court, and appellate judge on the Second Circuit Court of Appeals, allow her to fully appreciate the "real-world consequences" of the decisions she makes from the bench. The Senate Judiciary Committee will begin confirmation hearings on July 13.

Hate Crimes

House of Representatives Passes Hate Crimes BillU.S. House of Representatives passed the Local Law Enforcement Enhancement Hate Crimes Prevention Act, with a bipartisan vote of 249-175. The Act enables the Department of Justice to assist federal, state and local law enforcement efforts in investigating and prosecuting hate crimes based on race, ethnic background, religion, and expands the definition of hate crimes to protect gay, lesbian, bisexual and transgender people. President Barack Obama has urged support of hate crimes legislation and called for passage in the Senate,

where Senator Edward M. Kennedy (D-MA) is the chief sponsor. The Senate is expected to vote on the bill in the next couple of weeks.

Labor

Employee Free Choice Act (EFCA) is a timely piece of legislation that aims to support the protection of people - including immigrants and AAPIs -who are trying to form unions for better conditions at the workplace. Key components of EFCA include: (1) Strengthen penalties for companies that illegally coerce or intimidate employees in an effort to prevent them from forming a union; (2) Establish majority sign-up: if a majority of the employees sign union authorization cards, validated by the National Labor Relations Board, a company must recognize the union; and (3) Bring in a neutral third party to settle a contract when a company and a newly certified union cannot agree on a contract after three months.

DREAM ACT

On March 26, 2009, the DREAM (Development, Relief, and Education for Alien Minors) Act was introduced by Senators Richard Durbin (D-IL), Richard Lugar (R-IN), Russell Feingold (D-WI), Edward Kennedy (D-MA), Patrick Leahy (D-VT), Joe Lieberman (I- CT), Mel Martinez (R-FL), and Harry Reid (D-NV) in the Senate as S. 729 and Representatives Howard Berman (D-CA), Joseph Cao (R-LA), John Conyers, Jr. (D-MI), Lincoln Diaz-Balart (R-FL), Mario Diaz-Balart (R-FL), Zoe Lofgren (D-CA), Devin Nunes (R-CA), Jared Polis (D-CO), Ileana Ros-Lehtinen (R-FL) and Lucille Roybal-Allard (D-CA) in the House of Representatives as H.R. 1751. This bipartisan legislation would provide undocumented students a chance to pursue higher education and obtain legal status.