



FIGHTING FOR THE RIGHTS OF BLACK IMMIGRANTS IN AMERICA

There are an estimated 3.7 – 5 million Black immigrants living in the United States,¹ however, Black immigrants from Africa, the Caribbean, and Latin America are often overlooked when we talk about immigration policies in the United States.² Individuals and families migrate to the U.S. to seek opportunities for their children due to war, destabilization, domestic violence, environmental violence, economic insecurity, environmental degradation, or genocide. Many immigrants arrive hoping to achieve the American Dream and provide for their children and families. Yet, for over two decades, Congress has failed to create meaningful pathways to citizenship. The current administration has sparked intense debate about its dehumanizing anti-immigration policies, such as racist deportation practices and the separation of children from their families. The livelihoods and future of Black immigrant families are caught in the crossfire.³

As we advocate for documented and undocumented immigrants alike, we must incorporate values and principles that uphold dignity, rights, justice, empowerment, security, and opportunity. A Reproductive Justice approach to policy reform for immigration takes on the same model as a human rights approach that incorporates dignity. Comprehensive immigration reform must allow individuals to make meaningful decisions about their lives and the lives of their children. Immigration policies must consider and include the needs and voices of Black immigrants and indigent women- those who are often excluded from conversations around immigration, such as comprehensive health care, access to jobs that pay livable wages, and the right to live free from fear of deportation.

THE PATHWAY TO THE UNITED STATES FOR BLACK IMMIGRANTS

Black immigrants are a fast-growing population, now accounting for nearly 10 percent of the nation's Black population, up from 3.1 percent in 1980.⁴ While half of the Black immigrants are from the Caribbean region, African immigrants have driven much of the recent growth of the Black immigrant population. African Immigrants made up 39 percent of the total foreign-born Black population in 2014.⁵ Additionally, an estimated 4 percent of Black immigrants are from South America, 4 percent are from Central America, 2 percent are from Europe, and 1 percent from Asia.⁶

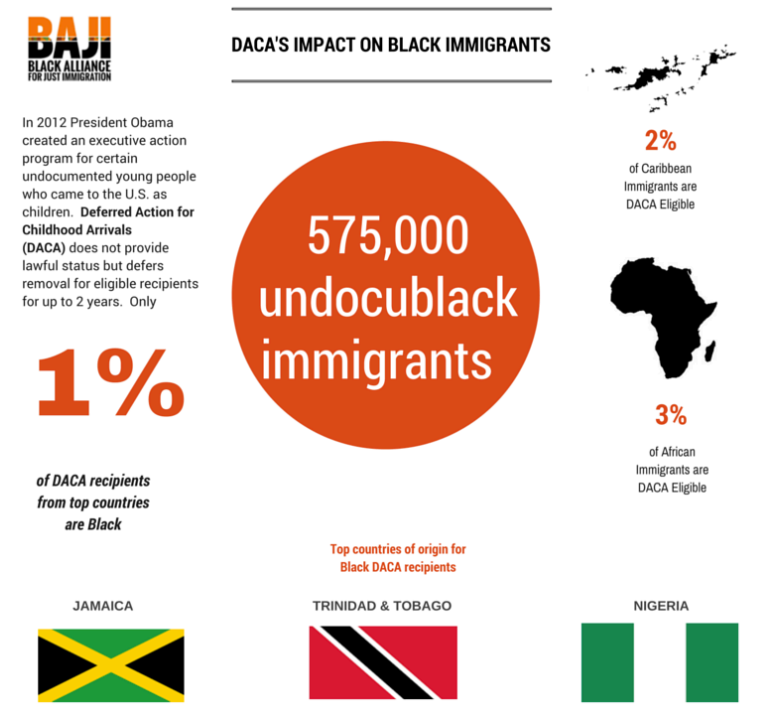
Immigrants arrive through the United States through several different pathways. While the current national debate surrounds the Deferred Action for Childhood Arrivals (DACA) and the Temporary Protected Status (TPS) programs, the current administration has also called for changes to the program for legal non-citizens who are refugee and asylum seekers, in the U.S. through family-sponsored visas (or family reunification), and in the U.S. for employment and education purposes.⁷

Temporary Protected Status (TPS)

Temporary Protected Status is a status given to eligible nationals from countries who have been affected by armed conflict, an environmental disaster, or other extraordinary and temporary conditions.⁸ Of the twenty-two current countries with Temporary Protective Status, twelve are predominantly Black nations: Angola, Burundi, Guinea, Guinea-Bissau, Haiti, Liberia, Montserrat, Rwanda, Sierra Leone, Somalia, South Sudan, and Sudan.⁹ In 2017, the Trump administration terminated Temporary Protected Status for individuals from Sudan, Nicaragua, El Salvador, and Haiti - all countries that have been wrought with devastation and natural disasters, affecting over 300,000 people.¹⁰ Other nations must have their Temporary Protected Status extended or face deportation.

Deferred Action for Childhood Arrivals (DACA)

Black immigrants are also impacted by the rescission of DACA. Of all DACA eligible individuals, an estimated 2% of Caribbean immigrants are DACA eligible and 3% of African Immigrants are DACA eligible.¹¹ The DACA program was created to efficiently allocate federal resources and to deprioritize students and workers who arrived as young children from the group of potential undocumented individuals who would face deportation if detained by Immigration and Customs Enforcement (ICE) officials. In September 2017, the Trump Administration announced the rescission of the DACA program, giving lawmakers six months to craft legislation to replace the program.¹² DACA status allowed undocumented young people to seek reproductive health care without fear of deportation and family separation and provided work authorization so that recipients could provide for their young families.



Diversity Visas

The Diversity Visa system in the United States has been implemented in a way that is discriminatory, exclusionary, sexist, and racist.¹³ The Diversity Visa lottery was created by the Immigration Act of 1990¹⁴ to increase the number of immigrants allowed into the United States every year. The Diversity Visa lottery allows for 50,000 permanent resident visas annually and focuses on selecting applicants from countries with low immigration rates. The countries with significant Black populations that are excluded are Brazil, Colombia, Dominican Republic, Haiti, Jamaica, and Nigeria.¹⁵

Family Reunification

Family reunification is the most common legal basis for immigration to the United States. This occurs when the presence of one or more family members in the United States enables the rest of a divided family to immigrate into the country as well. Only immediate family members, such as spouses, minor children, unmarried adult children of U.S. citizens, and parents are granted passage through this route.¹⁶ The current administration has continuously called for the end of family reunification, which is temporarily blocked by a district judge pending litigation.

AT RISK: THE HEALTH, SAFETY AND WELL-BEING OF IMMIGRANT COMMUNITIES

Since the 2016 national election, hate crimes targeting immigrant and religious minority groups have increased significantly in America.¹⁷ The Trump administration, through speeches, immigration-related executive actions, and administrative announcements, has fueled private and public acts of violence at the local, state, and federal levels. Immigration policies and rhetoric from the current administration have emboldened white supremacists and caused a considerable rise in the number of reported hate crime violence and bullying in schools, businesses, and public spaces.

As anti-immigrant rhetoric and policies grow, documented and undocumented immigrants alike are choosing not to seek out services in their local community.¹⁸ Immigrants are forgoing healthcare services for fear of confronting ICE officials in hospitals and placing members of their community at risk for deportation. Immigrants who are survivors of sexual assault and domestic violence have not been reporting their assaults for fear of deportation.¹⁹ Undocumented women, who often flee from their native country to avoid domestic abuse violence, are at risk both in the United States and upon returning to the native countries.

POLICY RECOMMENDATIONS

Immigrant communities must have access to legal protections as they face bond hearings, denials of reproductive and other health services, separation from family, and possible deportation. Advocacy groups and non-profit organizations are holding immigration rights training and creating toolkits to aid immigrant families and have created reports detailing the long-lasting and widespread impact of the Trump Administration's current efforts to create an unwelcome and hostile environment for immigrants in the United States. As advocates, we must:

- Raise awareness in local council meetings and trainings
- Stay informed by following the lead of immigrants, organizations, lawyers, and advocates who are on the ground
- Donate to legal aid services and non-profit organizations helping immigrant communities.
- Speak to your state and federal representatives about immigration and how it impacts Black communities

[In Our Own Voice: National Black Women's Reproductive Justice Agenda](#) is a national Reproductive Justice organization focused on lifting up the voices of Black women at the national and regional levels in our ongoing policy fight to secure Reproductive Justice for all women and girls. Our eight strategic partners include Black Women for Wellness, Black Women's Health Imperative, New Voices for

Reproductive Justice, SisterLove, Inc. SisterReach, SPARK Reproductive Justice Now, The Afiya Center and Women With A Vision.

¹ Black Alliance for Just Immigration and NYU Law Immigrant Rights Clinic, *The State of Black Immigrants Part I: A Statistical Portrait of Black Immigrants in the United States* (September 27, 2016), <http://www.stateofblackimmigrants.com/assets/sobi-background-sept27.pdf>.

² Nicole Prchal Svajlenka, The Top 3 Things You Need to Know About Black Immigrants in the United States in 2018, Jan 12, 2018, 7:03 PM, <https://www.americanprogress.org/issues/immigration/news/2018/01/12/445015/top-3-things-need-know-black-immigrants-united-states-2018/>.

³ Kaiser Family Foundation, Living in an Immigration Family in America: How Fear and Toxic Stress are Affecting Daily Life, Well-Being, & Health. Julia Gelatt, Issue #1: Under Trump Administration, United States Takes Steps to Narrow Legal Immigration, Migration Policy, Dec. 2, 2017 <https://www.migrationpolicy.org/article/top-10-2017-issue-1-under-trump-administration-united-states-takes-steps-narrow-legal>.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Family sponsored preference includes adult children and siblings of U.S. citizens and spouses and children of green-card holders. Immediate relatives of U.S. citizens include spouses, minor children, and parents of U.S. citizens.

⁸ The United States Department of Justice, Temporary Protected Status, <https://www.justice.gov/eoir/temporary-protected-status> (Angola, Bosnia-Herzegovina, Burundi, El Salvador, Guinea, Guinea-Bissau, Haiti, Honduras, Kosovo, Kuwait, Lebanon, Liberia, Montserrat, Nepal, Nicaragua, Rwanda, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Yemen)

⁹ Ibid.

¹⁰ The United States Department of Justice, Temporary Protected Status, <https://www.justice.gov/eoir/temporary-protected-status>, Last updated December 27, 2017. Madison Park. Trump administration ended protected states for 250,000 Salvadorans. These immigrants might be next. <http://www.cnn.com/2018/01/09/politics/temporary-protected-status-countries/index.html>. Dara Lind and P.R. Lockhart, Trump to 59,000 Haitians: you have 18 months to pack your bags, Vox, Nov. 20, 2017, <https://www.vox.com/2017/11/20/16682924/haiti-tps-temporary-protected-status>.

¹¹ Ibid.

¹² Press Release: Attorney General Sessions Delivers Remarks on DACA, The United States Department of Justice, Sept. 5, 2017, <https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-daca>.

¹³ Ibid.

¹⁴ P.L. 101-649

¹⁵ Black Alliance for Just Immigration, Black Immigration Network, Diversity Visas for Just & Inclusive Immigration Reform, page 1, http://baji.org/wp-content/uploads/2011/02/Updated_Diversity_Visa_FactSheet_BIN.pdf.

¹⁶ United Nations High Commissioner for Refugees, US Family Reunification. Geneva: UNHCR, 2018, Online: <http://www.unhcr.org/en-us/us-family-reunification.html>.

¹⁷ Marwa Eltagouri, Hate crime rising, report activists at Illinois attorney general's summit, Chicago Tribune, Feb 24, 2017, 12:31 PM <http://www.chicagotribune.com/news/local/breaking/ct-madigan-immigration-hate-crimes-summit-20170223-story.html>. U.S. Hate Crimes Up 20 Percent in 2017, Fueled by Election Campaign: Report, Mar. 14, 2017, 12:57 PM <https://www.nbcnews.com/news/us-news/u-s-hate-crimes-20-percent-2016-fueled-election-campaign-n733306>.

¹⁸ A. Saadi, MD, S. Ahmed, JD, M.H. Katz, MD, Making a Case for Sanctuary Hospitals, Journal of the American Medical Association, Dec. 5. 2017

¹⁹ NLIRH, NAPAWF, In Our Own Voice. RJ Dream Act Sign On Letter.