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BROOKINGS CAFETERIA PODCAST

Immigrants and the coronavirus pandemic: A conversation with Rep. Judy Chu

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PROCEEDINGS

DEWS: Welcome to the Brookings Cafeteria, the podcast about ideas and the experts who have them. I'm Fred Dews. On this episode, we're privileged to have a member of Congress join us on the podcast to discuss a critical public policy issue: immigration and immigrants, both in the context of the coronavirus pandemic and more broadly.

Governance Studies Senior Fellow John Hudak interviews Representative Judy Chu, who represents California's 27th Congressional District and has served in Congress since 2009.

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And now on with the interview. Here's John Hudak with Representative Judy Chu.

HUDAK: Thank you, Fred. And thank you, Representative Chu, for joining us today. I hope through this pandemic that you and your family and staff have remained well.

CHU: Well, one of my staffers did get COVID-19, but has recovered since.

HUDAK: Good news for the recovery, at least. It's certainly been a tough time in Congress and I'm sure for many of your constituents as well. And thanks so much for agreeing to chat about immigration today during this crisis. I think a lot of very important issues have, understandably, in some ways taken a backseat. But the challenges that this nation faces with regard to immigration is longstanding and is continuing and in some ways being magnified during this crisis. And so I'm going to just jump right into questions. As the daughter of Chinese immigrants and the first Chinese American woman elected to the United States Congress. How did your family's journey and your own life experiences impact you and helped shape your views on immigration?

CHU: I never forget that my grandfather came at the turn of the century and was immediately made a second class citizen by the Chinese Exclusion Act of 1882, where for the only time in history, a racial group was identified for exclusion by the laws of this country. And also, he

was made to be a second class citizen in that no Chinese American was allowed to become a naturalized citizen. And that was so that they could not vote. And this was not overturned until 1943. So this was 60 long years of this kind of treatment. Then people wonder, why are people of color disenfranchised? It's because of actions like this. But you know what? My grandfather persisted. And he had this little Chinese restaurant where he worked day and night and day. And two generations later, his granddaughter became a member of Congress. So it shows what can happen in this country. But nonetheless, this is why I always fight to make sure the immigrant voice is heard.

HUDAK: And this is a fight for the immigrant voice that transcends race and ethnicity, right? It's not just an issue for Asian Americans. Immigrants from all over the world are facing a lot of the same challenges every day.

CHU: Exactly. I feel our commonality in terms of the issues that we face. And I know that so many times immigrants have been marginalized. So this is why I fight on so many fronts pertaining to immigrant issues.

HUDAK: Turning to the current crisis, we face—the coronavirus pandemic has caused one of the greatest public health and economic crises really in our nation's history, and one that has disproportionately affected immigrants, many of whom are on the front lines and face additional vulnerabilities for a variety of reasons. How has this crisis highlighted the importance of immigrants to our economy and communities, especially in your district and in your state?

CHU: Well, it really pains me to know that immigrants who don't have a Social Security number who file with an ITIN did not get any relief in our past packages. And it really pains me because they are so essential to our country.

And in fact, an estimated 6 million immigrants around the country are in essential jobs, working in healthcare, restaurants, grocery stores, and agriculture. Yet they are being denied the same benefits as other people who are on the front lines.

And we find that nearly a third of doctors and surgeons are immigrants. Nearly a quarter of nurses and home aides are immigrants. In California, immigrants make up one third of the essential workforce.

So they are part and parcel of what is helping us to cope with COVID-19. And they should be helped. We know that they are putting their lives on the line every single day.

So we have healthcare. We have our food supply. We have our essential services. Leaving immigrants out of getting benefits is not just cruel. It's having an adverse impact on the lives of all immigrants. And that's why, for another thing, the Heroes Act says that everybody, regardless of immigration status, should have treatment. It is true everybody, regardless of status, can get testing. But it's obvious that everybody should have treatment because how are we going to overcome the COVID-19 crisis unless we do that?

HUDAK: You described well this real double whammy that immigrant communities are facing. They're bearing a disproportionate grbrunt of the risks and the pandemic and also not receiving the type of benefits that many American citizens are receiving from government relief. You've talked a lot about this, advocating for inclusive coronavirus relief. And as you said, for testing for medical care and for economic relief, regardless of immigration status. You've worked with your colleagues, including Senator Hirono, on this issue in particular. Can you talk a little bit more about where the CARES Act falls short how the recently passed Heroes Act addresses this? I assume it's more than just a narrow or a single issue where the weaknesses and strengths are?

CHU: That is right. Democrats have been pushing for this, but since every one of the previous bills had to be the result of bipartisan negotiation, immigrants were left out. And that is why Senator Mazie Hirono and I introduced the Coronavirus, Immigrant Families Protection Act. It would, of course, allow individuals who filed taxes with the individual taxpayer I.D. number to get benefits, the ITIN number. In addition to this, it extends expiring work authorizations and immigration statuses to ensure that immigrants don't lose their status. While the COVID-19 crisis is going on, it makes sure that immigrants have access to emergency medical services for prevention,

testing ,and treatment. And it makes sure that this public charge rule that Trump is putting forth would not affect these immigrants negatively in that if they receive any services, that they would not be denied a green card.

Now, I do have to say the Heroes Act that was passed on May 15th did include some of these provisions, especially the part about testing and treatment and allowing ITIN providers to get the rebates. It also ensures that there is translation of these COVID-19 resources, because that's another thing. So many of our immigrants are limited English proficient and, in fact, one-third of Asian Americans are limited English proficient. So they should have knowledge about how to get these resources, whether it's unemployment or health treatment or a PPP—payment protection loan for their small business. So it has all these good provisions.

But there was last minute drama, I have to tell you, on the day that we passed the Heroes Act on May 15th. Republicans are so against having equality for our immigrants that they decided to make their motion to recommit, which is their right to propose an amendment, the elimination of these ITIN filers. And this is despite the fact that we have 4.3, 5 million individuals who file with the ITIN number and they contribute twenty-four billion dollars in taxes. I mean, they paid their taxes. And yet Republicans wanted to deny them some modest relief through an economic rebate. Well, I really have to give leadership credit because they sprang into action. They made sure that this motion to recommit did not pass, which then allowed for the vast majority of the Democrats to vote for this bill.

HUDAK: You mentioned in your last answer a bit about the public charge rule that the Trump administration has put into place. Can you talk a little bit about what that rule is? And in response to it, you introduced a No Public Funds for Public Charge Act. Why did you feel that this was necessary?

CHU: So, the public charge rule that President Trump put forth greatly increased a number of things for which should be given a public charge. Now, what is this public charge rule? The theory is that if you are a burden to the United States, then you would be denied a green card. But in

all previous times, it was just if you had some sort of economically fraudulently-obtained benefit, such as getting Social Security through a fraudulently-obtained number. Well, what President Trump did with his public charge rule is to include practically everything. For instance, getting food through the SNAP program would qualify as being a public charge. And as a result, there has been a fear and anxiety in the immigrant community like no other. In fact, there are things that immigrants are qualified to take to be able to benefit from, but they're not partaking of them because they are fearful of this public charge rule.

So, it is very damaging, and that's why I did introduce the No Federal Funds for the Public Charge Rule bill so as to send a clear message to the administration that this is not an acceptable rule to many of us.

HUDAK: The Trump administration policies toward immigration have affected individuals who are inside the United States, but it also has had an effect on individuals looking to come to the United States. The president recently issued an executive order temporarily suspending immigration to this country. What's the purpose of this executive order? And don't you believe it will have negative consequences given that many immigrants are indispensable workers and essential to our efforts to stop this pandemic?

CHU: Yes, the Trump administration has an executive order prohibiting immigration for 60 days due to the COVID-19 crisis. Now, objectively, much of what's going on with immigration has come to a halt because of COVID-19. Many of our offices are closed down. But we are very concerned about him utilizing this measure to lay the groundwork for future punitive actions. In fact, we believe that this is an order that will harm so many that are attempting to come in. He did have exceptions. I do have to say there were exceptions there for the agricultural workforce and for our H-1B workers, many of whom are health care workers.

So, it was obvious that he knew what negative economic impact there would be. But if this was extended even further, this could have a chilling effect to immigration in this country in the future.

HUDAK: And your concern about this being part of a longer-term policy objective of the president's—it's certainly grounded in the experience that we've had already. One of the first actions that this president took in 2017 after taking office was signing an order putting the Muslim ban into place. Can you talk a little bit about the harm that this policy has had on families and talk a bit about your work with Senator Coons on the No Ban Act and legislative efforts with Representative Neguse and Senators Murphy and Feinstein to block the expansion of that Muslim ban?

CHU: Yes, the president imposed the Muslim ban right at the beginning of 2017. Then he extended it for a total of three Muslim bans. And as a result, with each new version, basically he's cruelly and needlessly tearing families apart and causing misery and psychological trauma. Spouses and fiances are separated. Weddings, births, funerals, graduations have all been missed. There are over 5,000 adopted children of U.S. citizens who been approved, but they can't join their families. And there's no end in sight. He wants to just continue this.

In fact, he expanded it even further recently to include Nigeria, Eritrea, Pakistan, Sudan, Myanmar, and Tanzania. And there are people like Ismail al-Ghazali, who was my guest at the State of the Union. Despite being a U.S. citizen, he was separated from his wife, who was in Yemen, he missed the birth of his daughter, couldn't get together with her for the first seven months of her life.

He had the wherewithal to appeal to Senator Chuck Schumer to help him. And finally, through lots of intervention, he was able to do that. But you think about this. What harm does a seven-month old child cause? I mean, the Muslim ban is supposed to protect us from some evil out there. A seven-month old child. Does that qualify as an evil enemy? I don't think so. All this has done is to separate families.

This is why I introduced the No Ban Act in the House and Senator Chris Coons introduced it in the Senate. It repeals all three versions of Trump's Muslim ban. It puts an end to the family separation. It requires transparency on the waivers to the ban, which is practically a nonexistent

process at this point. And it says that if any future president wants to implement such a ban, they actually have to produce evidence and consult with Congress.

We are glad in the House we've gotten such tremendous response. Two-hundred-and-eighteen members are co-sponsors. There are 40 co-sponsors in the Senate. I do have to tell you, we've gotten so far that we not only had a markup that successfully passed out of the Judiciary Committee, but also we're going to have a vote on the floor when the coronavirus hit. So now it's been put in suspension.

HUDAK: What the Muslim ban really put into perspective is how individual families can be really exploited by the circumstances that they're in given random policies that come out of this administration. But a family situation is not the only way that immigrants are exploited. Certainly immigrant labor is also an area of tremendous exploitation. You introduced the POWER Act with Senator Menendez from New Jersey to protect immigrant workers from exactly this, from labor exploitation. Why don't you think that current laws do enough to protect immigrant workers from exploitation and intimidation? And how does your bill go further and help include those protections?

CHU: Well, immigrants are such an essential part of the U.S. labor force. They are 17 percent of the labor force, but they are often exploited by unscrupulous employers who make them work extreme hours in difficult and dangerous conditions. And they know that they can get away with it thus far because being undocumented, the workers will be too afraid to report this abuse to the authorities. And we do know that if they do report it, they stand in danger of losing their jobs or being actually deported. And so we know that the threats of employers to workers have grown exponentially. That's why we have to have the worker protections, because they are not there right now.

So my bill, the POWER Act, provides temporary protections to workers who filed a workplace claim or are witnesses to a workplace dispute. And it also expands your visa eligibility

for workers who suffer from a serious labor violation, such as a workplace injury or unpaid wages. And it also removes a numerical cap on the number of U-visas that can be granted annually.

And so, therefore, it ensures that workers who report information like this to labor agencies that they can get some remedy. Also, this bill guarantees that that information would not be shared with other agencies for purposes like deportation.

HUDAK: And it seems like now in the midst of this pandemic where so many immigrants are essential workers, they are on the front lines, there's no time more important to see those types of protections happening, whether it's at the state level or hopefully at the federal level, because I assume in your experience, in your district and elsewhere around the country, you've seen a lot of individuals in very difficult situations magnified by the current crisis.

CHU: Yes, absolutely. And let's see how it is connected to COVID-19. Look at all those workers at those meatpacking plants or meat processing plants. Many of them are immigrant workers and they aren't even getting the most basic of PPE. You have hundreds of people being infected. Dare they say something about this where they can easily be exploited for issuing complaints about the conditions in those particular factories?

HUDAK: I'd like to zoom out a little bit to maybe about thirty-thousand foot view. Immigration policy, as you see in the media and I'm sure that you see among your colleagues, brings out the best and the worst among individuals and certainly among policymakers. What are some of the major obstacles that you see to reaching comprehensive immigration reform? And where are areas that Republicans and Democrats can more easily come together?

CHU: Well, unfortunately, President Trump has made this a centerpiece of his campaign. Those Republicans who might have been open to comprehensive immigration reform seem to be afraid of President Trump. And now they have taken steps back on the progress that we could have made. Now, the reason I say this is when I came in in 2010, we actually did have a comprehensive immigration reform proposal. And there was the Gang of Eight in the Senate, half Democrat, half

Republican, and it included people like John McCain who are very good, actually, in negotiating a reasonable bipartisan solution to our immigration problems.

We know that immigrants are essential to this economy, but right now, 11 million of them are stuck in the shadows and are not able to fully participate in our society. And these folks in the Gang of Eight were actually able to come up with common sense solutions, but it was tied in with so many other provisions that were essential to it, such as proposals for how to deal with our legal immigration backlog and proposals for dealing with agriculture. There were so many things that they did address. So it shows that if we didn't have a president that was so actively pushing anti-immigrant proposals, we actually could get somewhere.

Even then, I do have to give you a bit of sunshine here, which is that this last December, the House did pass a bipartisan Farm Workforce Modernization Act, of which I was an original co-sponsor. There are many Republicans that see the negative impact of not having a workforce to deal with the agricultural in the fields. They are hurting. So that's what brought them to the table. And they joined in this bill, which creates a pathway for temporary agricultural workers in the U.S. to become permanent residents. And it was actually a very unusual experience to be there at this press conference celebrating this bill with my Republican colleagues all coming together on this bill that would benefit immigrant agricultural workers. But I enjoyed it, I must say.

The other area where we have commonality is our healthcare workers, because we have nurses, doctors, technicians, and other healthcare professionals that are obviously working tirelessly to save American lives. And in the past few months, there's been a recognition that these workers are needed to help mitigate the effects of COVID-19. So there have been proposals for how to help them. For one thing, if they have an H-1B visa, they are only stuck at one facility. Yet many of these healthcare workers are actually willing to go to places like New York and help in the pandemic over there.

So this would create more flexibility. It would also have a system to gain permanent residency in the United States if these workers are on the front lines and give them some ability to have their legal permanent status in the U.S.

HUDAK: What was the name of that proposal again?

CHU: These provisions are in the Heroes Act. So it deals with these workforce, legal statuses and gives some leniency for them to be able to gain legal status, but also to be able to have flexibility in where they work.

HUDAK: You had mentioned a moment ago about one of the challenges that face a lot of Republicans is this fear of President Trump's reaction if they were to work on or try to achieve comprehensive immigration reform, given his policy positions on this and in his campaign on this. Do you feel that after the Trump presidency ends that it will be easier for your Republican colleagues to come over and work on this? Or do you think that the president has transformed the party in a way where that door is essentially closed?

CHU: I have optimism that things will change once President Trump is not in office anymore because he is fanning the flames of xenophobia. It is part and parcel of the way that he sees himself remaining in office by appealing to his base and portraying immigrants in the worst possible light.

And yet I know that there are Republicans that are in constant contact with the immigrants in their district. I also know that there are Republicans who are very sympathetic to say, for instance, the DREAM Act students—to the students who are here through no fault of their own. And there was a time when we had quite a few Republicans who were supporters of the DREAM Act. But that has all gone away with President Trump.

I do believe that the basic philosophy that led them to want to support the DREAM Act and other actions is still there. So I am hoping that we can return back to the stance that we once had in this country where we appreciate our immigrants and where we appreciate the diversity of the groups in this country.

HUDAK: You just talked a little bit about the racist and xenophobic rhetoric that surrounds immigration policy conversations in the United States. And I want to end with a question that touches on that and that I'm sure is a deeply personal to you. To what extent do you feel that the polarized conversation around immigration over the past decade has contributed to the increases in the incidents of anti-Asian and anti-Asian American actions and rhetoric that we've seen during the COVID-19 pandemic?

CHU: Well, historically, in this country, we have had stereotypes and we have had divisions that could be inflamed if there were some terrible action going on, such as World War II and Pearl Harbor or recessions of the past. As a result, Asians have always had to deal with the perpetual foreigners stereotype. But, when you have leadership in the country that promotes the philosophy of inclusion, that shows the positive contributions of all people to this country, including Asian Americans, then that kind of negative stereotype tends to be submerged. People don't act on it very much. What we see now is that we have a president who is fanning the flames to a huge extent, actually.

I mean, people are so fearful, so anxious about COVID-19, that when they hear President Trump saying it's a Chinese virus, a China virus, a Wuhan virus, then they believe him. And then they go out and they just attack and scapegoat anybody that they think is Chinese, even if that person was born here, even if they aren't Chinese, but they think they're Chinese, they have gone out and attacked.

So we saw that at the beginning in January. It all started with dirty looks and some insults. But today it has become physical attacks, tirades. And as a result, we've seen terrible attacks all across this country from a woman who was taking out her garbage and acid was thrown on her, causing burns to her arms and face; to this family of three in Texas that was stabbed, including among them a six-year old and a two year old child, but it was by a man who wanted to kill Asian Americans; to a 16-year old boy here in Los Angeles who was put in the hospital because bullies claimed that he had coronavirus.

So, we see people committing these hate crimes and hate incidents. And now it's over 2,000 of them that have been reported to our Stop AAPI Hate Crime reporting sites, as well as other sites. And at its height, it was about a hundred per day. And we fear what will happen once the stay at home orders are lifted.

It's so important for us to be able to say what is the correct information, which is for one thing, this is called COVID-19. And that's the official term that was designated by the WHO and CDC because they were very insistent that it should not be associated with a particular region or an ethnicity because of the stigma that it would cause. So, we should do that. And we should also make it clear that Asian Americans are not to blame for coronavirus. And we should work together because it is only through working together across all different kinds of communities that we can combat this terrible pandemic.

HUDAK: Well, Representative Chu, thank you so much for taking the time to speak with me today. This has been a really informative conversation about an issue and really a set of issues that is vitally important to immigrants and American citizens alike.

CHU: Thank you so much.

DEWS: The Brookings Cafeteria Podcast is the product of an amazing team of colleagues, starting with audio engineer Gaston Reboredo. Bill Finan and Robert Wicks of the Brookings Institution Press do the book interviews. Thanks also to my colleagues Adrianna Pita, Marie Wilken, and Chris McKenna for their collaboration. Finally, my thanks to Camilo Ramirez and Emily Horne for their guidance and support.

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