



# **The President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders**

## **Commission Subcommittee Summaries**

**July 2023**

# Immigration and Citizenship Status Subcommittee

## Subcommittee Membership:

- **Co-Chairs:** Grace Huang, KaYing Yang
- **Members:** Ajay Bhutoria, Simon Pang, Dr. Amy Agbayani, Dr. Robert Underwood
- **Ex-Officio Member:** Carol Wu, Senior Policy Advisor, Immigration Section, Office for Civil Rights and Civil Liberties, Department of Homeland Security
- **DFO:** Linda Cheng

## Summary of Meetings and Presentations:

The Immigration and Citizenship Status Subcommittee meets bi-weekly. Following the Commission's fifth quarterly meeting on March 14, 2023, the Subcommittee met on March 22, April 19, May 17, May 31, June 14, and June 28, 2023. The Subcommittee received presentations from the following subject matter experts who helped to inform their recommendations:

- **Doug Rand, Senior Advisor to the Director of U.S. Citizenship and Immigration Services (USCIS), U.S. Department of Homeland Security (DHS):** Presented on USCIS's authorities to change policies and the regulatory processes within USCIS.
- **Monica Burke, Acting Assistant Director, Custody Management, Enforcement and Removal Operations, DHS/U.S. Immigration and Customs Enforcement (ICE) and Valentina Seeley, Acting Deputy Assistant Director, Office of Partnership and Engagement, DHS/ICE:** Addressed questions related to language access in immigration detention centers, alternatives to detention, and overview about the Office of Partnership and Engagement.
- **Blaine Bookey, Legal Director, Center for Gender and Refugee Studies, University of California College of the Law:** Presented on the landscape of gender-based asylum and the changes in policies over the past years, as well as provided feedback on how the government can improve protections for those seeking gender-based asylum.
- **Shoba Sivaprasad Wadhia, Officer, Office for Civil Rights and Civil Liberties, U.S. Department of Homeland Security (DHS):** Presented on efforts by DHS to implement the Case Management Pilot Program (CMPP), a congressionally mandated pilot program exploring alternatives to detention.
- **Mary Cheng, Deputy Director, Executive Office of Immigration Review (EOIR), U.S. Department of Justice (DOJ) and Lauren Alder Reid, Assistant Director for Policy, DOJ/EOIR:** Presented on the background of the backlog in cases in immigration court and the methods used to improve speed and volume of case processing.

## Summary of Recommendations:

The Immigration and Citizenship Status Subcommittee approved the following five draft recommendations for presentation at the July 6, 2023, full Commission meeting:

- The Commission recommends that DHS should streamline and expedite the process for accessing and/or replacing lost or distorted I-94 cards, making it more affordable and efficient, with a turnaround time of less than three weeks; DHS should also exempt or waive fees for Compacts of Free Association (COFA) migrants who apply for replacement I-94 cards.
  - The Commission recommends that the Executive Office of Immigration Review (EOIR) in DOJ should issue guidance for Immigration Judges to not order individuals removed who have not been provided language services to assist with completion of relevant applications for immigration relief. In addition, DHS Immigration and Customs Enforcement (ICE) should allocate at least 1% of its Enforcement and Removal budget toward the provision of professional and competent translation, interpretation, and other language services for individuals who are detained and have limited or no English proficiency to be able to participate and access all available programs and services while in immigration detention.
  - The Commission recommends that the U.S. Department of Justice (DOJ) and U.S. Department of Homeland Security (DHS) should promptly issue new asylum regulations and track performance metrics to provide consistency in the U.S.' treatment of gender-based violence as a basis for humanitarian protection and asylum in U.S. immigration policy.
  - The Commission recommends that DHS should translate the CBP One™ mobile application into multiple languages, including but not limited to Chinese, Hindi, Bengali, and Punjabi.
  - The Commission recommends that DHS and the Department of State should recapture unused green cards for family and employment categories from FY 1992 through 2025 and adopt a new policy that should be applied retroactively that confirms all green cards, per annual limit, remain available for an eligible immigrant even if the agencies cannot process the relevant paperwork in that fiscal year.
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## Health Equity Subcommittee

### Subcommittee Membership:

- **Co-Chairs:** Teresita Batayola, Kerry Doi, Mia Ives-Ruble
- **Members:** Victoria Huynh, Dr. Kimberly Chang, Michelle Ka'uhane, Kamal Kalsi, Ajay Bhutoria
- **Non-Commission Member:** Dr. Quyen Ngo-Metzger
- **DFO:** Viviane Chao

### Summary of Meetings and Presentations:

The Health Equity Subcommittee meets bi-weekly. Following the Commission's fifth quarterly meeting on March 14, 2023, the Subcommittee met on April 6, April 20, May 18, June 1, June 15, 2023 and June 29, 2023. The Subcommittee received presentations from the following subject matter experts who helped to inform their recommendations:

- **Sherry Hirota, former President, Asian Health Services:** Presented an overview of medical underserved area/medically underserved population (MUA/MUP) definitions, and how including Limited English Proficiency (LEP) as a category of MUP could improve health disparities and increase equity, justice, and opportunity for Limited English Proficient AA and NHPI people.
- **Tu Quach, PhD, President, Asian Health Services:** Together with Ms. Hirota, presented an overview of MUA/MUP definitions, and how including LEP as a category of MUP could improve health disparities and increase equity, justice, and opportunity for Limited English Proficient AA and NHPI people.
- **Matthew Tejada, Director, Office of Environmental Justice, U.S. Environmental Protection Agency:** Presented information on the funding distribution of the Inflation Reduction Act funds, and the design and deployment of Inflation Reduction Act (IRA) funds designated for environmental justice.
- **Alyssa Burgess, Director of Career Pathways and Kristina Alnajjar, Chief Operating Officer, Washington Association for Community Health (WACH),** to discuss and share how Washington Association for Community Health has made progress on accelerating workforce development through its healthcare apprenticeship program.

### **Summary of Recommendations:**

The Health Equity Subcommittee approved the following four draft recommendations for presentation at the July 6, 2023, full Commission meeting:

- The Commission recommends that both the U.S. Department of Justice's Disability Rights Section and the U.S. Department of Health and Human Services' Office for Civil Rights should adopt and enforce the Access Board's recommendations on medical diagnostic equipment accessibility standards to improve the ability of disabled people and older adults to be evaluated and diagnosed by their providers, as well as to provide federal grants to support community health centers and increase access to cancer education to non-English speaking communities in culturally competent, easy to understand language.
- The Commission recommends that the U.S. Department of Health and Human Services and the U.S. Department of Education issue guidelines and invest in reducing student-to-counselor ratios in public schools and colleges to improve Tier 1 mental health support for students, inclusive of Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI). This would include setting a guideline for a maximum ratio of 250:1 for schools and colleges to ensure adequate mental health support for students, providing additional funding to increase the number of counselors and mental health professionals available to students, particularly those with a significant AA and NHPI population; providing training to counselors and mental health professionals to address the unique mental health needs of AA and NHPI; providing information on available resources; encouraging public schools and colleges to prioritize mental health support as

part of their overall wellness programs; and having Department of Education establish a reporting system that requires public schools and colleges to report their student-to-counselor ratios annually, and to set goals for improvement.

- The Commission recommends that there should be greater capacity to collect, disaggregate, analyze, and publish data impacts of COVID-19 with emphasis on disaggregated data for Native Hawaiians and Pacific Islanders, language preference, immigrant, refugee and COFA populations and for disability, LGBTQ+ and other marginalized communities regarding rates of testing, vaccination and booster rates, hospitalization and death rates, as well as long-term health effects of COVID-19. This would include conducting culturally and linguistically appropriate targeted public health campaigns on the benefits of vaccines; taking immediate steps to address barriers to care, treatment and medication for underserved populations; conducting digital literacy efforts and provide resources for digital equipment and connectivity for underserved communities, including AANHPI; establishing a standard across federal agencies for data collection, disaggregation, analyses, and publishing of public health emergencies, natural disasters and human-made disasters; and providing program funding to community-based organizations to address these issues based upon the data collected. This recommendation is directed to HHS Operating Divisions including the Centers for Disease Control and Prevention, Office of Minority Health, the National Institutes of Health, as well as the Health Resources and Services Administration, the Administration for Children and Families, the Administration for Community Living, and the Centers for Medicare and Medicaid Services (CMS).
- The Commission recommends that HHS should increase the weight of limited English proficiency (LEP) in medically underserved areas (MUA) and medically underserved populations (MUP) definition and formula to determine scores for allocating federal funding to new access points for health centers and encouraging health professionals to work at high-need health centers; they also recommend that HHS should revisit and review all recommendations put forward in the 10/31/2011 “Negotiated Rulemaking Committee on the Designation of Medically Underserved Populations and Health Professional Shortage Areas: Final Report to the Secretary” and HHS/OCR should review different federal definitions of vulnerable populations, social deprivation, marginalized populations, socioeconomically disadvantaged, social determinants of health, language and cultural barriers, underserved populations, and high-risk populations to ensure that LEP is included in all definitions.

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## Language Access Subcommittee

### Subcommittee Membership:

- **Co-Chairs:** Dr. Amy Agbayani, Victoria Huynh, Dr. Kimberly Chang
- **Members:** Kerry Doi, Grace Huang, Ajay Bhutoria, Simon Pang

- **Ex-Officio Member:** Laureen Laglagaron, Attorney Advisor, Federal Coordination and Compliance Section, Civil Rights Division, U.S. Department of Justice
- **DFO:** Viviane Chao

## Summary of Meetings and Presentations:

The Language Access Subcommittee meets bi-weekly. Following the Commission's fifth quarterly meeting on March 14, 2023, the Subcommittee met on March 31, April 14, April 28, May 12, May 26, June 2, June 9, and June 23, 2023. The Subcommittee received presentations from the following subject matter experts who helped to inform their recommendations:

- **Victoria Udalova, Senior Economist and Program Manager, EHealth, U.S. Census Bureau:** Presented an overview on the U.S. Census Bureau's EHealth partnership with American Board of Family Medicine (ABFM) and Stanford University to conduct research on social determinants of health in the primary care setting and explore ways to improve current survey data collection efforts.
- **Morgan Rodman, Executive Director, White House Council on Native American Affairs; Naomi Miguel, Executive Director, White House Initiative on Advancing Education Equity, Excellence, and Economic Opportunity for Native Americans:** Presented an overview of their respective efforts related to native language preservation, including the Biden-Harris Administration's 10-Year National Plan on Native Language Revitalization.
- **LaShawn McIver, Director, Office of Minority Health, Centers for Medicare and Medicaid (CMS):** Discussed language access efforts relating to recipients of CMS funding, and data collected by CMS about spoken languages.
- **Irene Bueno, former Deputy Assistant Secretary, HHS and Special Assistant to President Clinton, Domestic Policy Council:** Presented background and efforts related to the development of Executive Order 13166 under the Clinton Administration.

## Summary of Recommendations:

The Language Access Subcommittee approved the following six draft recommendations for presentation at the July 6, 2023, full Commission meeting:

- The Commission recommends that the U.S. Census Bureau EHealth program includes analysis on language access and concordance for Limited English Proficient (LEP) individuals and populations, as a routine and standard part of all research projects/programs/collaborations with any external partner, as part of the interests of the federal government in understanding and addressing health disparities and health inequities affecting LEP populations.
- The Commission recommends that the U.S. Department of the Interior should increase support for the implementation of The Native American Languages Act of 1990 (NALA), and continue and expand federal programs that are relevant to Native Hawaiian language support.

- The Commission recommends that the federal partners stipulated in the National Strategy to Combat Human Trafficking work in partnership with and include community-based victim advocates, community-based organizations, and community-based survivors, and prioritize language access, in the development of this protocol.
- The Commission recommends that the Office of the U.S. Chief Technology Officer, U.S. Digital Services in consultation with U.S. DOJ Civil Rights Division: i) develop standards/guidelines around the use of machine-translation or Artificial Intelligence (AI) translation technology when it is appropriate or inappropriate to use by the federal government, federal contractors, or federal grantees; and ii) develop a process for addressing harmful impacts as well as remedies with respect to machine translation or AI errors.
- The Commission recommends that WHIAANHPI, the White House Office of Public Engagement (OPE), and the Department of Justice (DOJ) convene a biennial national “Language Access, Equity, and Justice” Summit in regions with growing language access needs and identify enforcement mechanisms in each federal agency and expand agencies’ capacity to strengthen accountability measures, train personnel on language access requirements, and establish consistent reporting and processes for addressing language access complaints.
- The Commission recommends that by December 2023, the President establish a Task Force on Language Access and Equity to assess the current state of language access affairs, establish language access data collection standards and consistent enforcement strategies, and explore the creation of a new Executive Order on Language Access and Equity. The mission of this Task Force will be to establish language access data collection standards and consistent language access enforcement strategies across all federal agencies and report to the Attorney General. This initiative will build upon E.O. 13166 and provide further recommendations for an enhanced E.O., known as the Language Access and Equity Executive Order, to be issued in 2024.

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## **Belonging, Inclusion, Anti-Asian Hate, and Anti-Discrimination Subcommittee**

### **Subcommittee Membership:**

- **Co-Chairs:** Luisa Blue and Dr. Kamal Kalsi
- **Members:** Emily Chen, Grace Huang, Daniel Dae Kim, Naheed Qureshi, Smita Shah
- **Non-Commissioner Member:** Madihha Ahussain, Program Manager, Safety Advisory Council, Spotify
- **DFO:** Linda Cheng

### **Summary of Meetings and Presentations:**

The Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination Subcommittee meets bi-weekly. Following the Commission’s fifth quarterly meeting on March 14, 2023, the Subcommittee met on March 21, April 4, April 18, May 16, May 30, June 13, and June 27, 2023. The Subcommittee received presentations from the following subject matter experts who helped to inform their recommendations:

- **Maulik Pancholy, Chair and Co-Founder, ACT to Change, and Belinda Lei, Founding Board Member, ACT to Change:** Presented on the mission and origins of ACT to Change, a youth-focused anti-bullying organization, and summarized current efforts to combat bullying against AA and NHPI youth.
- **Lynn Rosenthal, Director of Sexual Assault and Violence Prevention, U.S. Department of Health and Human Services; former White House Advisor on Violence Against Women under the Obama-Biden Administration:** Presented on the coordination and roll out of the “It’s On Us” campaign against campus sexual assault.
- **Thenmozhi Soundararajan, Executive Director, Equality Labs:** Presented on caste discrimination in the United States and efforts to combat this form of intra-ethnic discrimination.
- **Anna Mok, President, Executive Chairperson & Co-Founder, Ascend & Ascend Foundation:** Presented on Ascend’s efforts to promote AA and NHPI leadership at high levels in corporate and nonprofit organizations.

### **Summary of Recommendations:**

The Belonging, Inclusion, Anti-Asian Hate, and Anti-Discrimination Subcommittee approved the following draft recommendation to present at the July 6, 2023, full Commission meeting:

- The Commission recommends that the federal government establish a national arts competition and corresponding national ad campaign that is implemented through interagency coordination to support policies that create belonging while combating hate and discrimination.

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## **Data Disaggregation Subcommittee**

### **Subcommittee Membership:**

- **Co-Chairs:** Sarah Min, Dr. Raynald Samoa, Dr. Robert Underwood
- **Members:** Emily Chen, KaYing Yang
- **Non-Commission Members:** Dr. Ninez Ponce, Dr. Joseph Keawe Kaholokula
- **DFO:** Janet Cushing

### **Summary of Meetings and Presentations:**



The Data Disaggregation Subcommittee meets bi-weekly. Following the Commission's fifth quarterly meeting on March 14, 2023, the Subcommittee met on March 20, April 3, April 17, May 1, May 15, June 5, June 12, and June 26, 2023. The Subcommittee received presentations from the following subject matter experts who helped to inform their recommendations:

- **Rachel Marks, Chief, Racial Statistics Branch, Population Division, U.S. Census Bureau; Ditas Katague, Associate Director for Communications, U.S. Census Bureau; John Stelmachowicz, Partner Relationship Manager, Office of Strategic Alliances, U.S. Census Bureau; Megan Maury, Senior Advisor, Office of the Director, U.S. Census Bureau; Melissa Bruce, Acting Special Inspector General, U.S. Department of Treasury; Lopaka Baptiste, Intergovernmental Affairs Specialist, U.S. Census Bureau; Mayumi Escalante, Supervisory Survey Statistician for Commodity Analysis Branch, Foreign Trade Division, U.S. Census Bureau:** Presented on the classification of Hmong in the 2020 Census and American Community Survey.
- **Kham Moua, National Deputy Director, Southeast Asia Resource Action Center (SEARAC), Anna Byon, Director of National Policy, SEARAC:** Presented an overview of the geopolitical definition of Southeast Asian individuals and the implications of such population classification.
- **Alan Simon, Director, Division of Health and Nutrition Examination Surveys, National Center for Health Statistics, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services:** Presented an overview of the National Health and Nutrition Examination Surveys program to include how data is collected and the future plans for the survey, including the feasibility and challenges of oversampling AA and NHPI and exploring conducting the survey in AA and NHPI concentrated regions, like Hawaii.
- **Denice Ross, Deputy U.S. Chief Technology Officer and U.S. Chief Data Scientist, Office of Science and Technology Policy:** Presented an overview of the progress of the Equitable Data Working Group and its priorities.

## **Summary of Recommendations:**

The Data Disaggregation Subcommittee approved the following two draft recommendations to present at the July 6, 2023, full Commission meeting:

- The Commission recommends that the U.S. Census Bureau should directly engage with and include input from relevant and diverse community-based organizations (CBOs) when classifying various populations, and increase resources, staffing, and funding to work with a larger network of CBOs.
- The Commission recommends that the U.S. Department of Health and Human Services establish a task force to address privacy and legal concerns and expand the capacity of data collection methods to facilitate collection and disaggregation of Native Hawaiian and Pacific Islander (NHPI) data.

## Economic Equity Subcommittee

### Subcommittee Membership:

- **Co-Chairs:** Ajay Bhutoria, Simon Pang, Smita Shah
- **Members:** Luisa Blue, Dr. Kimberly Chang, Kerry Doi, Michelle Ka‘uhane, Kevin Kim, Ai-jen Poo
- **DFO:** Janet Cushing

### Summary of Meetings and Presentations:

The Economic Equity Subcommittee meets bi-weekly. Following the Commission’s fifth quarterly meeting on March 14, 2023, the Subcommittee met on March 31, April 14, April 28, May 12, May 26, June 2, June 9, and June 23, 2023. The Subcommittee received presentations from the following subject matter experts who helped to inform their recommendations:

- **Lisa Fu, Executive Director, California Healthy Nail Salon Collaborative; Duanduan Chen, Secretary, Chinese-American Nail Salon Association:** Presented an overview on the health and safety concerns for nail salon workers, discussed the economic concerns and health and safety issues, especially as it relates to AA and NHPI populations and workers in the industry.
- **Geraldine S. Aglipay, Regional Administrator, Great Lakes Region, U.S. Small Business Administration:** Discussed and shared ways to strengthen collaborative innovation across sectors and industries to create financial security, with a lens on AA and NHPI communities.
- **Trudy Rebert, Policy Advisor, Office of the Assistant Secretary for Policy, Department of Labor:** Presented an overview of what the U.S. Department of Labor is doing to ensure rights and protections for immigrant workers.

### Summary of Recommendations:

The Economic Equity Subcommittee approved two draft recommendations for presentation at the July 6, 2023, full Commission meeting:

- The Commission recommends that by May 2024, the U.S. Department of Labor (DOL), U.S. Department of Health and Human Services (HHS), and U.S. Small Business Administration (SBA) should convene a national listening session with nail salon workers and nail salon owners to discuss and address the economic concerns, health and safety issues, and labor rights issues, culminating with the issuance of a study on the state of the industry and a national action plan to support nail salon workers and owners.
- The Commission recommends that the U.S. Department of Interior start beneficiary consultation on mercantile licensing on Hawaiian Home Lands and promulgate federal rules that provide clarity for beneficiaries to access lands for mercantile purposes; a

budget for beneficiary consultation should be included in the President's Fiscal Year 2025 budget.