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February 21, 2018

Addressed to: Senators Mitch McConnell (Majority Leader) and Chuck Schumer (Minority Leader); Representatives Paul Ryan (Speaker of the House) and Nancy Pelosi (Minority Leader); Congressional Hispanic Caucus and Congressional Hispanic Conference.

**Statement on Policies Regarding
Immigrants and Refugees with Disabilities**

We the undersigned organizations stand against immigration policies that discriminate against individuals with disabilities and perpetuate the racial and ethnic acculturation divide.

U.S. immigration law has historically excluded individuals with disabilities. Under the Immigration and Nationality Act 8 U.S.C. 1182 § 212(A)(4), the law continues to prohibit the immigration of anyone “likely to become a public charge” into the U.S. The law **explicitly excludes** individuals with “physical and mental disorders” who have “harmful behaviors” that pose a threat to oneself or others from immigration to the U.S. (8 U.S.C. 1182 § 212(A)(2)(a)(iii)). Throughout the naturalization process, immigration law requires that immigrants have a level of mental capacity to comply with immigration procedures which has presented difficulties for individuals with mental and intellectual disabilities.

We know that immigrants and refugees with disabilities come to the United States in search for a better life and often-times as an act of survival. If an immigrant or refugee does not have a disability when they leave their home country, they are likely to acquire disabilities during their difficult journey(s), including physical and/or mental impairments spurred by trauma and distress. Others may acquire disabilities once they are in the U.S. due to a number of external factors that need to be further studied. The United States loses its moral standing by not embracing these individuals.

Through news reports and anecdotal accounts, we know the following current U.S. policies and practices disproportionately impact immigrants and refugees with disabilities:

Immigrants and refugees with disabilities lack access to healthcare and are disproportionately uninsured. Immigrants and refugees with disabilities fear accessing medical services due to being deported. Reports suggest even when it is against policy, hospital staff continue to ask for identification before treatment. ICE agents have



followed immigrants with disabilities seeking life-saving treatment into the hospital in order to arrest and detain them.

Immigrants and refugees with disabilities are denied their basic rights under the Americans With Disabilities Act (ADA) 42 U.S. Code § 12101, et seq. Many immigrants and refugees do not have access to a diagnosis and/or lack a disability identification. They are unaware that they possess disability rights and do not know how to seek counsel to enforce them. Immigrants and refugees with disabilities have experienced immigration attorney offices that do not comply with the ADA and therefore are inaccessible. Numerous accounts indicate that immigration detention centers do not comply with the ADA. For example, immigrants and refugees with disabilities who are deaf or hard of hearing have reported a lack of sign language interpreters (including in their own language).

Immigrants and refugees with disabilities lack resources for vital care needs. Immigrants and refugees with disabilities live in poverty and are unable to secure housing, food, medications, therapy and durable equipment that they need to survive. This includes access to psychiatric services that immigrants and refugees with disabilities desperately need due to the incredible amounts of trauma and distress they experience.

Detention centers in the U.S. perpetuate human rights violations that cause and exacerbate disability as noted by the United Nations Working Group on Arbitrary Detention.¹ Immigration detention centers are overcrowded. Authorities and staff treat detainees in a degrading manner. Moreover, medical needs are not being met. Mobility devices and other accommodations are not provided when requested. There is lack of quality food and water. Isolation practices and lack of access to proper psychiatric support have led to repeated accounts of suicide.

Immigrants and refugees with disabilities lack employment opportunities. Immigrants with disabilities under the Deferred Action for Childhood Arrivals (DACA) report that even with a work permit, they cannot gain employment due to discrimination based on disability. Immigrants and refugees with disabilities face discrimination in the employment process even with proper work permits and qualifications. Lack of employment exacerbates their dire economic situation and can often mean life or death.

¹ Working Group on Arbitrary Detention: Preliminary Findings from its visit to the United States of America (11-24 October 2016), United Nations Human Rights Office of the High Commissioner, 24 October 2016 available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20746&LangID=E>.



We stand against the current administration’s repeated calls for a “merit-based” immigration system. These types of “merit-based” policies are entrenched in racist and ableist ideology harkening back to a period of eugenics policies in the U.S. Disabled and non-European immigrants are most often the target of misleading arguments against “chain migration” and are scapegoated as “bad” immigrants. The U.S. has a history of allowing individuals to petition for nuclear family members so they may be reunited, also known as family reunification. Immigrants bring over family members with disabilities, elders, and folks who depend on the care of family members. It is only immediate or nuclear family members who can apply for admission to the U.S. This process often takes several years, can be emotionally draining, and costly. This reality starkly contrasts with the narrative being propagated by the current administration.

As individuals with disabilities in the United States, we have for too long been held in institutions and prison systems that have dehumanized us and taken away our human and legal rights. Moreover, disabled low-income people of color have been disproportionately impacted by unjust rulings and ableist institutional systems. We, as disabled individuals, have been told that we do not have the right or authority to make decisions about our life and well-being. **Disability is stigmatized and we have seen the outcomes of a society that deems us unworthy of respect.**

Thus, we demand:

- **A clean Dream Act that:**
 - does not discriminate against immigrants based on education, class, sexuality, race, ethnicity, and disability status.
 - includes acknowledgement of disabled individuals who cannot access work or graduate (or meet any sort of ableist criteria) due to discrimination.
 - meets the March 5th deadline at which point DACA recipients begin to lose protection from deportation.
- **An end to the inhumane ICE practice of arresting and detaining people** at places that should be deemed “safe” (e.g. medical facilities, public schools, court hearings, and public transportation).
- **To continue to allow individuals to petitioning for visas for family members**, specifically family who are elders, have disabilities, and/or require family support.
- **That the “Border Patrol” and those associated with immoral practices** be held accountable for terrorizing immigrant



communities, creating conditions for migrant deaths in the desert, and using excessive and lethal force including killing migrants and border inhabitants in what amounts to state sanctioned murder.

- **For immigration detention centers not having the capacity**, nor the substantial resources, to hold disabled immigrants in either a legal and humane way, be shut down.
- **That the Americans with Disabilities Act (ADA) be enforced** throughout all systems related to the immigration process (e.g. attorneys' office, courts, ICE facilities).

Sincerely,

National Coalition for Latinxs with Disabilities (CNLD)

(The following signatories are in alphabetical order.)

Access Living

ADAPT

ADAPT Arizona

ADAPT Montana

Alianza Americas

Asians with Disabilities Outreach Project Think-Tank (ADOPT)

ASL Holdings/Global VRS

ASL Services Inc.

ASL Services Latino Inc.

Association of University Centers on Disability (AUCD)

Autistic Self Advocacy Network

Brooklyn Law School's Disability & Civil Rights Clinic

Bruv Luv Collective, Tucson

Center for Public Representation

Civil Right Education and Enforcement Center

Coalición de Derechos Humanos

Coalition on Human Needs

Communication Center for Deaf and Hard of Hearing, Inc.

Council de Manos



DC Metro ADAPT
Detention Watch Network
DIRECT Center for Independence (Tucson, AZ)
Disability Rights Advocates
Disability Rights, Education, Activism, and Mentoring (DREAM)
Disability Rights Education & Defense Fund (DREDF)
Disabled Queers in Action! (DQIA)
Earlham College Border Studies Program
East Bay Sanctuary Covenant
Educational Admissions Collegiate Consulting L.L.C.
EdYouCoach
Equality Florida
Family Voices National
Georgia ADAPT
Hispanic Health Network
Indivisible Illinois
Institute on Disability and Human Development, University of Illinois at
Chicago
Institute on Disability Culture
Judith Heumann LLC
Justice for Muslims Collective
Latino Commission on AIDS
Latinos in the Deep South
Law Office of Ellen Saideman
Legal Aid at Work
Mexican American Bar Association of Los Angeles County (MABA)
Mi Familia Vota
Migration Studies Working Group
Mijente DC
National Association of the Deaf
National Coalition for Latinxs with Disabilities (CNLD)
National Council on Independent Living
National LGBTQ Task Force Action Fund



National Women with Disabilities Empowerment Forum
Not Dead Yet
Partner of Refugees in Illinois Disability Employment (PRIDE)
Progress Center for Independent Living
Ramp Your Voice!
REZ Law Group
Rooted in Rights
Showing Up for Racial Justice, Tucson
Sibling Leadership Network
Spoken Futures
Sustainable Nations
The Chancellor's Committee on the Status of Persons with Disabilities,
University of Illinois at Chicago
The Lucy Foundation
The Support Network
TruthSartia, LLC
Women's March