



We Belong  
TOGETHER

# TRUMP'S FIRST 100 DAYS:

Immigrant Women and  
Families on the Frontlines

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# Introduction

As the first 100 days of Donald Trump's presidency comes to a close, one thing is clearer than ever - the fight for women's equality is inextricably linked to realizing the needs of immigrant women and women of color. It is no surprise that women are under attack around the world as Trump, who dismisses boasting about sexual assault as innocent locker room talk, makes good on hateful campaign promises premised on nativism, and that among the primary targets of his Administration are black women, immigrant women, Muslims, the LGBTQ community, and families living in poverty. While the executive orders, guidances, rhetoric and tweets of the past 100 days have stirred fear and anxiety in communities around the country and the world, immigrant women and women of color have continued to raise their voices, by organizing, mobilizing, engaging members of Congress and local elected leaders, in order to lead and defend our democracy.

More than 20 million immigrant women and girls live in the United States today.<sup>1</sup> Five million of these women are undocumented.<sup>2</sup> Immigrant women are mothers, daughters, students, workers, community activists, organizers, members of the LGBTQ community, and survivors of gender-based violence. They come from all over the world and are more likely to enter the U.S. through the family based immigration system.<sup>3</sup> Twelve million immigrant women are currently in the workforce and hold a wide range of jobs, including as domestic workers, small business owners, tech workers, nurses, agricultural workers, service industry workers, and in many other professions.<sup>4</sup> Immigrant women play key roles in keeping American families and communities together and are essential to maintaining the vibrancy and cohesion of our democracy.

Yet, from heightened vulnerability to exploitation at work, to criminalization in their own communities and exclusions from systems as fundamental as health care - immigrant women are targets of this Administration. Though millions of immigrant women participate in the American labor force, immigrant women earn less than native-born men and women, as well as foreign-born men.<sup>5</sup> Black immigrant women earn even less - Caribbean women earn over 8% less than US

born non-Hispanic white women; African women earn over 10% less; and Haitian women earn over 18% less.<sup>6</sup> Immigrant women workers are concentrated in low-wage occupations, with 42% earning \$20,000 or less per year.<sup>7</sup> The largest number of immigrant women workers are domestic workers, defined by the American Community Survey as maids and housekeepers.<sup>8</sup> These women perform essential work and are entrusted with caring for our homes and loved ones, yet their labor is devalued and underprotected.

Despite their important role in American communities, families and the economy, immigrant women continue to get caught in the punishing immigration enforcement system, fall prey to unscrupulous employers, and face bars to accessing basic health and reproductive care. Prior to the election of Donald Trump, immigrant communities faced heightened levels of immigration enforcement and deportation, including the resurgence of home raids and the detention of mothers and children fleeing gender-based violence. In his first 100 days in office, Trump has dramatically shifted this baseline, criminalizing even the everyday actions of immigrant women and families. In one of his first acts as president, Trump issued an executive order that prevented refugees and individuals from seven majority Muslim countries from entering the United States. Immigrant women felt the impact of this policy change immediately, as a full half of refugees worldwide are women and girls<sup>9</sup> and close to three-quarters of Syrian refugees to the US are women and children.<sup>10</sup> Organizing and action, in part by Muslim, refugee, and immigrant women leaders, however, galvanized the public and bolstered litigation efforts to halt the ban. Currently, the ban is temporarily enjoined by a federal court.<sup>11</sup> Immigrant women in the US have felt the impact of Trump's anti-Muslim rhetoric and actions, as hate crimes motivated by anti-Muslim hate have risen sharply<sup>12</sup> and Muslim women have been subject to hate violence and discrimination.<sup>13</sup>

The Muslim and refugee travel ban was soon followed up by two additional executive orders<sup>14</sup> that have greatly expanded the immigration enforcement apparatus in the U.S. and prioritize for removal virtually all undocumented immigrants. These directives, and others, have struck fear in communities across the country, and have mobilized hundreds of thousands of people to rise up in resistance. Earlier in April, child and youth leaders of We Belong Together, from around the country, gathered in Washington, DC to tell Trump that families belong together.<sup>15</sup>

In addition to the extensive changes Trump has made to the immigration enforcement system, he has nominated a number of anti-worker, anti-immigrant, and anti-woman nominees to his cabinet. Several of his cabinet nominees faced criticism for the treatment of the domestic workers they themselves employed.<sup>16</sup> Trump's Supreme Court appointee, Neil Gorsuch has been widely criticized as a threat to women and workers rights.<sup>17</sup>

Strategic organizing led to the defeat of Administration-backed efforts to undo the Patient Protection and Affordable Care Act (ACA). The Administration and Congressional Republicans nevertheless, have persisted in curtailing access to women's health, most recently overturning an Obama Administration rule protecting reproductive and other healthcare services for women.

The lessons of the first 100 days clarify that women - particularly immigrant women and women of color - will continue to be attacked by Trump's policy agenda throughout his presidency. However, women - through their leadership and organizing - will continue to build a powerful movement for a fair and inclusive society.

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# Donald Trump's Policies and the Exclusion of Immigrant Women

## I. Enforcement Priorities and Increased Prosecutions

On January 25, 2017 Trump issued two executive orders - "Enhancing Public Safety in the Interior of the United States and Border Security and Immigration Enforcement Improvements".<sup>18</sup> On February 14, 2017, the Department of Homeland Security (DHS) issued two memos<sup>19</sup> operationalizing these orders and offering guidance to its components - Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) - on how they should be implemented.

The most sweeping change made by the orders has been the Administration's directive to rescind the Obama Administration's enforcement priorities, which prioritized for removal certain individuals with criminal records and those deemed threats to national security<sup>20</sup> and public safety, and replace them with a policy that prioritizes virtually any undocumented immigrant for removal. Specifically, the Trump Administration prioritizes any immigrant who has been convicted of or charged with a crime; has committed acts which constitute a chargeable criminal offense; has engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency; has abused any program related to receipt of public benefits; is subject to a final order of removal but has not complied with their legal obligation to depart the United States; or in the judgment of an immigration officer, otherwise poses a risk to public safety or national security. This expansion of priorities gives local immigration officers wide latitude to arrest and detain anyone they suspect of being in the country without immigration status. Now, immigrant women, whether they have committed a crime or have simply been charged with one, or who are undocumented and in the wrong place at the wrong time, are targets for apprehension and removal. Already, the toll this shift in priorities is taking on immigrant women and their families is clear.

Shortly after Trump took office, ICE deported Guadalupe Garcia de Rayos, an undocumented mother who had been convicted of a crime almost ten years earlier. Since obtaining a conviction, she had been checking in faithfully with ICE and complying with all the requirements they placed on her. At her first and last check-in during the Trump era, she was detained and deported within 24 hours, because under the new executive orders she became an enforcement priority.<sup>21</sup>

On April 11, 2017, Attorney General Jeff Sessions, in an effort to purportedly deter unauthorized immigration, directed federal prosecutors to prioritize the prosecution of individuals who transport or harbor undocumented immigrants, undocumented immigrants who have improperly entered and re-entered the country, and undocumented immigrants who have used fraudulent documents.<sup>22</sup> The aggressive and overbroad nature of this directive gives more volume to the Administration's strategy of connecting immigrants and communities of color with criminality. Under this reasoning, an undocumented immigrant mother fleeing gender-based violence could be prosecuted for transporting and harboring if she arrives at the border with her children or other family. An immigrant woman who has used false papers to work and support her family could be prosecuted for document fraud or identity theft -- the latter carrying a two-year mandatory minimum sentence.<sup>23</sup> Immigration prosecutions already make up 52% of all federal prosecutions.<sup>24</sup> Increasing prosecutions and putting more people in jail is a clear benefit to the for-profit prison industry, but ravages immigrant and black communities already torn apart by mass incarceration and the systemic targeting of people of color by our immigration and criminal legal frameworks.

In addition to targeting communities of color through ramping up criminal prosecutions of immigrants, Sessions has mounted an assault on federal mechanisms for providing oversight of police departments that have been found to engage in patterns or practices of discriminatory policing and civil rights violations. In a sharp rebuke to Session's efforts, a federal judge earlier this month finalized a negotiated consent decree between the Department of Justice (DOJ) and the Baltimore Police Department,<sup>25</sup> which has

been found to systematically engage in racially biased policing, as well as gender biased policing against women who report sexual assault and transgender individuals.<sup>26</sup> As the head of DOJ - the very department charged with enforcing civil rights laws, Sessions has quickly moved to erode protections for black communities, LGBTQ persons, immigrants, Muslims, people with disabilities and other marginalized persons seeking to live in an equal and inclusive society.

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## II. Entanglement of States and Local Jurisdictions with the Immigration Enforcement Apparatus

The Trump Administration has also promised to further entangle federal immigration law enforcement with states and localities, thus increasing their presence in immigrant and black communities across the country.

First, it has resurrected two failed enforcement programs, Secure Communities and the 287(g) program, which enlist local and state law enforcement to join in ICE's enforcement efforts.<sup>27</sup> Secure Communities<sup>28</sup> is a technological system that allows participating jails to submit arrestees' fingerprints to both criminal and immigration databases, which then allows ICE to access this information and identify immigrants who are deportable under immigration law.<sup>29</sup> ICE will place a detainer on an individual it wishes to remove and ask the local jurisdiction to hold that individual for potential immigration enforcement. Under the Obama Administration, many states and localities resisted participation in this

program, pointing to the ways it contributed to eroding public trust. In addition, a number of courts deemed detainers an unlawful exercise of authority under the 4th Amendment.<sup>30</sup> After years of campaigns against this program led by the powerful story-telling of immigrant women who had survived gender-based violence and faced the fear of accessing safety and justice systems,<sup>31</sup> in November 2014, the Obama Administration ended Secure Communities, citing that it "must be implemented in a way that supports community policing and sustains the trust of all elements of the community in working with local law enforcement."<sup>32</sup>

The 287(g) program<sup>33</sup> allows ICE to enter into written agreements with state and local police departments and deputize selected state and local law enforcement officers to perform the functions of federal immigration agents.<sup>34</sup> With mounting evidence of civil rights violations, 287(g) became a notorious program synonymous with racial profiling.<sup>35</sup> For the most part, the Obama Administration reduced its use of this program.<sup>36</sup> However, Trump has chosen to resurrect both Secure Communities and 287(g).

These programs discourage immigrant women who are survivors of domestic violence, sexual assault and human trafficking from seeking services, including accessing police, shelter, and courts. Abusers are skilled at using the criminal justice and immigration systems against immigrant victims, often telling them that coming forward will get them deported. Seventy-eight percent of domestic workers who had survived trafficking before the Trump Administration reported that their employers had threatened them with deportation if they complained about their working conditions.<sup>37</sup> According to a study conducted by the National Domestic Violence Hotline and the National Latin@ Network: Casa de Esperanza, 45% of foreign-born respondents expressed fear of calling and/or seeking help from the police or courts.<sup>38</sup> Programs like Secure Communities and 287(g) only bolster these claims and keep immigrant women silent and trapped in abusive situations. Already, stories of courthouse arrests have sent a chilling effect throughout immigrant communities and advocates, police chiefs and

prosecutors have seen steep reductions in the reporting of domestic violence, sexual assault and human trafficking.<sup>39</sup> The Administration has done nothing to allay these fears, instead making conflicting public statements on whether ICE policies protecting survivors are in still in effect.<sup>40</sup>

In February of 2017, Ms. Gonzalez, a transgender woman and domestic violence survivor, went to a Texas courthouse to obtain a protective order and was picked up by immigration enforcement officers after her hearing. The agents detained Ms. Gonzalez after receiving a tip, possibly from her abuser.<sup>41</sup> However, these actions contravene statutory confidentiality protections designed to prohibit abusive partners, exploitative employers or others from using the immigration system to further harm immigrant survivors.<sup>42</sup> These protections limit immigration enforcement actions in courthouses and prohibit immigration agents from making adverse determinations based on information received from abusers.<sup>43</sup> Moreover, the actions by ICE were sharply criticized by local judges and prosecutors who felt their years of work assuring immigrant communities they could seek justice and safety in the courts was undermined.<sup>44</sup>

To compound these fears, on March 27, 2017, the Attorney General made a statement threatening to withhold DOJ grants from jurisdictions DOJ determines have been uncooperative with federal immigration authorities.<sup>45</sup> Attempts to strongarm jurisdictions that refuse to participate in failed enforcement programs undermine policies that local communities have won through organizing and strategic campaigns to get their local and elected officials to opt out of immigration enforcement. Though localities with so-called sanctuary policies limit their participation in the federal immigration apparatus to some degree, they are unable to stop ICE or CBP from conducting raids or using other enforcement tactics in their communities. Similarly, while these jurisdictions limit their entanglement in federal immigration operations, many continue to engage in discriminatory policing of black communities, surveil Muslim communities and otherwise target other marginalized individuals for enforcement.

A study by the University of Illinois-Chicago found that the increased involvement of local police in immigration enforcement eroded trust in the legal system among documented and undocumented immigrants.<sup>46</sup> Of those surveyed, 45% said they were less likely to report a crime as a result, and 70% of the undocumented immigrants said the same.<sup>47</sup> In addition to serious constitutional concerns, threatening to withhold critical community safety funding from these cities will impact hundreds of thousands of immigrant women who depend on programs funded by DOJ through the Office on Victims of Crime, the Office on Violence Against Women, and other components of the Department. In addition, it will only add to the reluctance immigrant women are already feeling about seeking safety for themselves and their children.

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### III. Increased Capacity for Detention and Family Separation

The Administration has directed ICE and CBP to massively expand immigration detention by increasing detention capacity and calling for individuals to be detained throughout the pendency of their cases with limited options for release.<sup>48</sup> Immigration detention is already overfunded, largely for the benefit of for-profit prison companies.<sup>49</sup> Immigrant women in detention facilities are often placed in remote facilities that offer limited privacy and inadequate medical care.<sup>50</sup> These dangerous conditions are expected to multiply given recent reports that DHS will reduce regulations that guide minimum standards of care for immigrant detainees such as language access and medical care.<sup>51</sup> DHS has also announced the closing of its Office of Detention Planning and Policy that worked with civil society for years to develop these regulations.<sup>52</sup>

In addition, reports of sexual assault in immigration detention<sup>53</sup> centers are widespread. Most recently, Community Initiatives for Visiting Immigrants in Confinement, a national advocacy organization, found that between May 2014

and July 2016 the DHS Office of the Inspector General received at least 1,016 reports of sexual abuse filed by people in detention. Simply put, immigrant women do not receive adequate care and are not safe in ICE detention facilities. Ramping up immigration detention will only increase the population of immigrant women who are trapped in these unsafe facilities and vulnerable populations including survivors of gender-based violence, youth, and transgender women will continue to face re-traumatization.

Practices such as separating families at the border feed into the expansion of immigration detention. In 2014, tens of thousands of women and children from Central America fled gender-based violence to the U.S.-Mexico border asking for refuge. Since then, tremendous increases in family separation at the border started occurring and the practice of detaining families was resurrected. Recently, the Administration announced that in order to deter these families from making the journey north, it was considering detaining parents and placing any accompanying children in government facilities.<sup>54</sup> Though DHS Secretary Kelly later revised this announcement,<sup>55</sup> families are still being separated and are suffering irreparable damage. A recent report documenting family separation found that the Trump Administration's "elimination of existing prosecutorial discretion and parole policies, and plans to prosecute parents, combined with its goal of universal detention will break even more families apart and leave even more parents to make the heart-wrenching choice between family separation and return to a country where their and their children's lives are at risk."<sup>56</sup>

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### IV. Immigration Benefits

In his first address to Congress, Trump called for a transition to a merit-based immigration system. This shift would do away with our current system which allows for immigration based on family ties, and instead prioritize high-skilled immigrants. Immigrant women are more likely than men to come to the U.S. through the family-

based immigration system.<sup>57</sup> In fact, seventy percent of women obtain legal status through this system. A merit-based system would dramatically limit the ability of women to immigrate to the U.S. Many women in other countries do not have access to the same educational or job opportunities as men. For women working in the informal economy visas for care occupations do not currently exist and the Trump Administration is unlikely to consider it a priority.

Already, long backlogs in the process have resulted in over 4 million people waiting for years to be reunited with their families.<sup>58</sup> In fact, immigrants from some countries face up to 20 year waits.<sup>59</sup> In a few instances, these backlogs have been ameliorated by programs that allow individuals who are outside of the U.S. to request parole into the U.S. based on humanitarian or significant public benefit reasons. For example, the Haitian Family Reunification Parole program was created in 2014 to promote family unity by reducing the time that U.S. citizens and lawful permanent residents are separated from their relatives in Haiti.<sup>60</sup> The Trump administration has called for a review of the exercise of parole and to ensure that parole authority is exercised only on a case-by-case basis in accordance with the plain language of the statute.<sup>61</sup> This program has had a great impact on those women and families who are able to reunite in the U.S. while waiting for their visa number to become current.

Similarly, an Obama era measure that allows certain dependent visa holders to obtain employment authorization has had a positive impact on immigrant women who hold three-quarters of dependent visas.<sup>62</sup> The measure allows these categories of immigrant women visa holders to pursue careers, share their talents, contribute financially to their families and reduce their financial dependency - which often perpetuates cycles of power, control and abuse.<sup>63</sup> The Trump Administration is reportedly considering revoking the Obama era measure and wrenching away the ability of thousands of immigrant women to work legally in the U.S.<sup>64</sup>

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## V. Women Workers

In the Administration's budget request, Trump advocated for 5% budget cuts to the Department of Labor (DOL) for 2017 and 21% budget cuts for 2018.<sup>65</sup> These cuts would be devastating to the DOL's work and would likely take the heaviest toll on low-wage workers.<sup>66</sup> At his confirmation hearing, Alexander Acosta, the second nominee offered by Trump for Secretary of Labor, refused to answer basic questions about crucial worker protections, including whether he would maintain enforcement levels to prevent wage theft, his stance on protecting vulnerable immigrant workers, whether he would work to protect pending overtime regulations, or pay equity for women.<sup>67</sup> In addition, he failed to address the need to increase the minimum wage, which is critical for workers of color and other low-wage workers.<sup>68</sup>

Immigrant women earn less in the labor force than any other demographic.<sup>69</sup> Immigrant women workers are more likely to labor in the informal economy. Undocumented women workers face double the rates of wage and hour violations than experienced by documented and U.S. born workers.<sup>70</sup> Immigrant women are also more likely to work in industries and occupations with significantly higher injury rates than U.S. born women.<sup>71</sup> Immigrant women workers are regularly subject to enforcement actions that suppress their ability to come forward to report workplace violations. Without strong leadership at DOL to protect the rights of immigrant workers, immigrant women will remain vulnerable to exploitation, wage theft, and dangerous working conditions.

In addition, undocumented women workers who are survivors of workplace crime such as sexual assault or fraud in foreign labor contracting often face insurmountable barriers to accessing immigration relief created under the Violence Against Women Act. Both the U-visa, an immigration benefit created to protect victims of crime, and the T-visa, an immigration benefit created to protect victims of human trafficking, require survivors to cooperate with

law enforcement in order to qualify for relief. Trump's new enforcement paradigm, which is indiscriminate in its reach, will discourage survivors from coming forward and working with law enforcement. Thus, immigrant women who qualify for these benefits will remain trapped in dangerous and abusive situations.

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## VI. Access to Health Care and Public Benefits for Immigrant Women and Their Families

In March, the Administration, along with members of Congress, put forward legislation rolling back gains made in the ACA. Specifically, their legislation proposed a number of changes that would have left more individuals uninsured, cut Medicaid funding, and made Planned Parenthood ineligible for federal funding. While this effort failed, largely due to the advocacy efforts of people across the country, the Administration was undeterred in continuing its assault on women's healthcare.

On April 13, 2017, Trump signed legislation rescinding an Obama Administration rule<sup>72</sup> protecting health care for women who rely on federal funding for family planning services, like birth control, pregnancy care, and cancer screening.<sup>73</sup> This new law gives state and local governments the power to withhold critical federal funding from healthcare providers if they provide abortions.

About 60% of low-income, non-citizen immigrant women of reproductive age lack health insurance.<sup>74</sup> Because many immigrant women are unable to access private or public health insurance, they are less likely than other U.S. women to access preventive health care — such as Pap tests, STD screenings, and birth control.<sup>75</sup> Lack of health insurance and high out-of-pocket costs are major factors in limiting immigrant women's access to preventive health

care, including reproductive care.<sup>76</sup> Defunding programs that fill this gap for immigrant women will put their health in severe jeopardy.

With regard to federal public benefits, Trump's enforcement priorities make clear that immigrants who have abused any program related to receipt of public benefits are targets for enforcement.<sup>77</sup> In addition, a leaked draft Administration executive order proposes further penalizing immigrants who apply for and receive public benefits.<sup>78</sup> While this order has not been issued, it illustrates the extent to which Trump seeks to stigmatize and harm immigrants, especially immigrant women seeking critical support for themselves and their families.

Immigrants, generally, do not qualify for most federal public benefits.<sup>79</sup> The Personal Responsibility and Workforce Reconciliation Act of 1996 largely limited access to U.S. citizens and lawful permanent residents.<sup>80</sup> A few federal programs are available regardless of immigration status, including emergency Medicaid and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), which provides food, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to certain infants and children.<sup>81</sup> Threatening to target and remove individuals who abuse public benefits has already scared immigrants who are eligible from applying, and immigrant women and their children will suffer, forced to choose between much-needed nutrition or medical care and deportation.<sup>82</sup>

In addition, many undocumented immigrants have U.S. citizen children who qualify for benefits independently. In fact, The Migration Policy Institute estimates that 4.1 million U.S. citizen children live in mixed-status families — households where at least one parent is undocumented.<sup>83</sup> These provisions will likely deter undocumented immigrant women from applying for much-needed public benefits, like food stamps or the Children's Health Insurance Program, for their children, putting their health and public health at risk.

# Conclusion

Trump's actions throughout his first 100 days as President have fomented fear in immigrant communities and communities of color. Setting aside the fear of detention, removal, family separation and retriggering trauma, women have continued to bravely share their stories and lead the fight for justice. In North Carolina, six undocumented hotel housekeepers who for years had been threatened with deportation by the boss that was sexually assaulting them came forward to file suit against a major hotel corporation that allowed this abuse to continue.<sup>84</sup> In Colorado, Jeanette Vizguerra and her children - leaders of the We Belong Together campaign, have bravely called for public attention to Jeanette's ordeal as she was forced to seek refuge at a local church when Trump's reshifting priorities targeted her - a mother, grandmother, community activist and organizer - as an enforcement priority.<sup>85</sup> In Florida, eleven year old Leah joined the We Belong Together Kids Caravan from Miami to Washington, DC to bring the message to Trump that she will fight for her mother who is facing deportation and that families matter.<sup>86</sup>

As Trump moves beyond the first 100 days of his presidency and further solidifies his agenda, immigrant women and women of color will continue to stand at the forefront of the fight for fairness and inclusion, demonstrating through their powerful leadership that communities and families belong together.

Policy makers, state and local elected officials, the media and general public should support the visionary leadership of women of color and immigrant women by:

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- Standing against the normalization of and opposing policies grounded in nativist, racist and misogynistic ideologies;
  - Exposing the impact of immigration enforcement and criminal justice policies on women and families; and
  - Disrupting narratives that equate immigrants and communities of color with criminality;
  - Amplifying the voices and leadership of immigrant women and women of color.

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## About the Authors

Amanda Baran is an attorney and activist who engages in policy analysis and advocacy at the intersection of immigration and women's rights. Previously, she worked at Legal Momentum: The Women's Legal Defense and Education Fund and at the Department of Homeland Security, where she co-founded the Department's Council on Combating Violence Against Women.

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## About We Belong Together & the National Domestic Workers Alliance

**We Belong Together** (WBT) was launched in 2010 by the National Domestic Workers Alliance (NDWA) and the National Asian Pacific American Women's Forum to win humane immigration policies that keep families together and empower women. Led by NDWA with the participation of women's organizations, immigrant rights groups, and grassroots leaders across the country, WBT has harnessed the leadership of women and youth, led high-profile and creative actions, and educated policy makers on the contributions and needs of immigrant women.

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