

July 6, 2021

Submitted via <https://www.regulations.gov/>

**Re: 86 FR 24029; Document # FR Doc. [2021-09109](#); BILLING CODE 3110-01-P**

We write on behalf of the Asian Pacific Institute on Gender-Based Violence (API-GBV) to respond to the Office of Management and Budget's Request for Information, FR Doc # 2021-09109, for all of the *areas 1-5*, identified in the Request for Information. We applaud the Biden-Harris Administration's executive order on equity and for making equity for all a priority and responsibility for all of government, as well as its efforts to address ongoing and historical harms to underserved communities.

API-GBV is a national resource center on domestic violence, sexual violence, trafficking, and other forms of gender-based violence in Asian and Pacific Islander and immigrant communities. API-GBV works in partnership with various national networks of advocates, community-based service programs, national and state organizations, legal, health, and mental health professionals, researchers, policy advocates, and activists from social justice organizations to better address the needs of Asian and Pacific Islander (API) and immigrant victims. In addition, as a Department Justice (OVW & OVC) and Health and Human Services (FVPSA) funded technical assistance provider, API-GBV analyzes critical issues, promotes culturally relevant evidence-informed intervention and prevention, provides consultation, technical assistance, and training; develops resources, conducts and disseminates research and impacts systems change in our work with federal agencies, state and local governments, state and local human services and housing agencies, courts, law enforcement, and prosecutors.

Please do not hesitate to contact Grace Huang, Director of Policy at the Institute, at [ghuang@api-gbv.org](mailto:ghuang@api-gbv.org) with any questions or concerns you may have.

July 6, 2021



Shalanda Young  
Acting Director, Office of Management and Budget  
725 17th Street, NW  
Washington, DC 20503

Inequities in government systems are not accidental; they are the consequence of historic and current policies, laws, practices and procedures that systematically determine the factors that undermine safety, agency, and well-being. According to the Centers for Disease Control and Prevention, racism negatively affects the mental and physical health of millions of people, affecting the well-being of the entire nation.<sup>1</sup> The impact of centuries of racism in the U.S. is pervasive and deeply embedded in our society—affecting where one lives, learns, works, worships and plays and creating inequities in access to a range of social and economic benefits—such as housing, education, wealth, and employment. These policies and practices have disproportionately and negatively impacted the lives of women and gender non-conforming people of color and immigrants living in the United States and US territories—especially API survivors of gender-based violence.

At a time that the Administration is working to build on its initial efforts to address the prevalence of anti-Asian bias and violence,<sup>2</sup> we urge the Administration to build on these efforts by working to address the *intersectional nature* of racism, misogyny, xenophobia, homophobia and transphobia as well as the impacts poverty, disability, and colonization *on API survivors of sexual and domestic violence*. Damaging stereotypes that cast API women as submissive and hypersexual today find their roots in centuries-old propaganda dehumanizing women of Asian and Pacific Islander descent, erasing their experiences of sexual violence in the context of colonialism, and deny them citizenship. While many people are familiar with the Chinese Exclusion Act of 1882<sup>3</sup> as early xenophobic legislation to limit Asian immigration, the earlier and lesser-known Page Act of 1875<sup>4</sup> explicitly discriminated against Asian women believed to be sex workers, with the impact of excluding all Asian women from immigrating to the US, based on hyper-sexualized stereotypes. This past year has especially demonstrated that Asian women face targeted attacks at the intersection of race and gender. There were nearly 3,800 reported anti-Asian incidents from March 19, 2020 – February 28, 2021, with women making up a far higher share of the reports (68 percent) compared to men (29 percent).<sup>5</sup> Following the March 2021 shootings in Atlanta that took the lives of six Asian women, API women’s experiences with the intersections of racism, sexism, and xenophobia, have been made more visible.<sup>6</sup>

---

<sup>1</sup> <https://www.cdc.gov/socialdeterminants/index.htm>

<sup>2</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/30/fact-sheet-president-biden-announces-additional-actions-to-respond-to-anti-asian-violence-xenophobia-and-bias/>

<sup>3</sup> <https://www.history.com/topics/immigration/chinese-exclusion-act-1882>

<sup>4</sup> [https://www.digitalhistory.uh.edu/disp\\_textbook.cfm?smtid=3&psid=21](https://www.digitalhistory.uh.edu/disp_textbook.cfm?smtid=3&psid=21)

<sup>5</sup> Stop AAPI Hate National Report, *see*

<https://securservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wpcontent/uploads/2021/03/2103>

<sup>6</sup> API-GBV Statement on Shootings at Atlanta-Area Spas and Crimes Against Asian Americans, *see* <https://www.api-gbv.org/resources/atlanta-spas-statement/>

## **AREA 1: Equity Assessments and Strategies**

A critical first step in developing, enacting, and enforcing policies to advance equity is to understand how a diverse array of people are impacted by existing programs and policies. Such understanding begins with accurately counting, collecting, and reporting data about the many diverse populations across the United States and the US Territories. This includes comprehensive and complete demographic data about the users of Federal programs and services, as well as agency staffing, contractors, and recipients of Federal funding and grants. Such information can inform policymakers about disparities and inequities that may exist among communities in the country and help to develop and implement equitable solutions to mitigate those inequities. The Federal government’s failure to consistently collect race/ethnicity data at a granular level has resulted in government data being formulated without a full picture of the experiences of distinct communities and in the erasure of some communities. The label “Asian American” fails to distinguish the differences among Chinese, Laotian, Cambodian, Indian, Nepalese, Vietnamese, Filipino, and many other groups. The federal government often does not even collect information for smaller-size communities such as Native Hawaiians, Alaskan Natives, American Indian, and Pacific Islander. This lack of detailed data does not accurately portray the adverse effects of gender-based violence in the varied API populations and communities and API-GBV recommends more inclusive data be collected to inform strategies clearly.

- ***Update Federal Race and Ethnic Data Standards***

While the OMB has long established federal government-wide standards for race and ethnicity data, those standards have not been updated since 1997, and to this day, are still not consistently followed. ***We urge OMB to prioritize updating*** the federal race and ethnic data standards, and we urge that there be sufficient staffing and resources to ensure full implementation. API-GBV further recommends that OMB ***prioritize collection of government wide standards for other demographic data***, including language, disability, gender identity, and sexual orientation.

The Interagency Working Group on Equitable Data, established under Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through Federal Government, January 20, 2021<sup>7</sup> should update its federal standards, and at a minimum, to collect and report data that separates Asian, Native Hawaiian and Other Pacific Islander categories, and includes a Middle Eastern and North African category. For example, over a year into the COVID-19 pandemic, during which the racial and ethnic disparate impacts have been frequently acknowledged, agencies such as the Centers for Disease Control and Prevention continue to report data combining the separate Asian and Native Hawaiian and Other Pacific Islander categories, and often fail to report any data about Asians, Native Hawaiian and Other Pacific Islanders, and American Indians and Alaska Natives, lumping them into an “Other” category.<sup>8</sup> Furthermore, ***the data standards should be updated*** to add the disaggregated data collection and reporting about, of each race and ethnicity category by the top six most numerous subgroups,

---

<sup>7</sup> <https://www.govinfo/content/pkg/FR-2021-01-25/pdf/2021-1753.pdf>

<sup>8</sup> See, e.g., Smith AR, DeVies J, Caruso E, et al. Emergency Department Visits for COVID-19 by Race and Ethnicity—13 States, October–December 2020. MMWR Morb Mortal Wkly Rep 2021;70:566-56 (data combined for “Asians and Pacific Islanders”), <https://www.cdc.gov/mmwr/volumes/70/wr/pdfs/mm7015e3-H.pdf>

with a write-in option and examples for other subgroups. Such measures to allow persons to select more than one race or ethnicity will support those who claim multiple heritages, such as Afro-Asians or Asian American Latinos.

API-GBV recommends changing *the current race category* of “Native Hawaiian and Other Pacific Islander,” to “*Native Hawaiian and Pacific Islander*,” as the descriptor “other” works to erase and otherize Pacific Islanders, and diminishes the diversity among Pacific Islander communities. We further recommend *using the term “Chamorro,”* rather than the term “Guamanian” and *ending the use of the term “principal minority race”.*

Disaggregation by more specific race and ethnicity categories is essential to understanding inequities and disparities and advancing equity. Federal agencies and departments should *treat any OMB standards as minimum standards*, and we urge OMB to support even more granular disaggregation when appropriate, and to continue to work with state and local governments to support additional disaggregation where there are more diverse racial and ethnic subpopulations. For example, the COVID-19 pandemic has demonstrated the importance of collecting, analyzing, and publicly reporting more granular disaggregated race and ethnicity data. Disaggregated data have been vital to understand the disproportionate impact of COVID-19 on Bangladeshi in New York, Filipino nurses, and the Marshallese in Arkansas.<sup>9</sup>

In order to comply with these updated data standards, we strongly recommend that the **OMB provide additional guidance to federal agencies and departments** to make full compliance with these standards an explicit condition and requirement for receiving federal funds, including federal funds received by state, local, and territorial governments and agencies, and community-based organizations, and federal funds received by all federal contractors. This additional guidance will ensure that the OMB race and ethnicity data standards are, in fact, uniformly applied across “the whole of government” and at all levels of government.

- ***Promote Additional Disaggregation of Language Data***

In addition to updating federal race and ethnic data standards, OMB should promote the collection and reporting of data about the primary and preferred languages that individuals speak, read, and write when communicating with federal departments and agencies about services and program. As a starting point, the *collection of demographic data should be done in ways that provide meaningful language access*. Without basic language access in basic data collection efforts, including access for individuals with visual, hearing, and other communications barriers, there will be inaccurate data about inequities and barriers to access and utilization of those federal programs and services. For example, though statistics show that Asian Americans in the U.S. are faring relatively well through the COVID-19 pandemic, the data fails to include the

---

<sup>9</sup> Kelliher F. California’s Filipino American nurses are dying from COVID-19 at alarming rates, Mercury News, Oct. 4, 2020, <https://www.mercurynews.com/2020/10/04/californias-filipino-american-nurses-are-dying-from-covid-19-at-alarming-rates/> (Filipino nurses had 70% of COVID-19 deaths among nurses in California while 20% of nursing workforce) McFish PA, Purvis R, Willis DE, Riklon S. COVID-19 disparities among Marshallese Pacific Islanders. Prev Chron Dis. 2021;18(E02): 200407, [https://www.cdc.gov/pcd/issues/2021/20\\_0407.htm](https://www.cdc.gov/pcd/issues/2021/20_0407.htm); Eama A. Especially hard hit by coronavirus, City’s Bangladeshi community see failure of government to protect vulnerable New Yorkers, Gotham Gazette, July 20, 2020, <https://www.gothamgazette.com/city/9609-bangladeshi-community-hard-hit-coronavirus-government-failure-vulnerable-new-yorkers> (over 230 Bangladeshis in New York City have died from COVID-19)

most vulnerable Asian-Americans, such as those who have limited English proficiency, who don't participate in such surveys.<sup>10</sup>

Unfortunately, various surveys that government agencies rely on to develop policy and programs are hampered by this shortcoming. Two examples from the Centers for Disease Control and Prevention include standardized telephone surveys conducted in *English and Spanish*, and fail to survey those whose primary language is not English or Spanish. For example, the *Behavioral Risk Factor Surveillance System*. The **Behavioral Risk Factor Surveillance System (BRFSS)** is an annual national system of health-related telephone surveys that collect state data about U.S. residents regarding their health-related risk behaviors, chronic health conditions, and use of preventive services. BRFSS collects data in all 50 states as well as the District of Columbia and three U.S. territories. Though BRFSS completes more than 400,000 adult interviews each year, making it the largest continuously conducted health survey system in the world, the data collected does not reflect information from communities with more recent immigration, and with greater numbers of individuals who are limited English proficient.

Likewise, the *National Intimate Partner and Sexual Violence Survey (NISVS)* is an ongoing CDC random-digit dial telephone survey that collects national and state level data on intimate partner violence, sexual violence, and stalking. The NISVS collects data and reports on lifetime and 12-month experiences of violence of individuals surveyed in the 50 U.S. states, and examines associated health impacts and age of first victimization. According to the NISVS, between 21-55% of AAPI women report experiencing domestic or sexual violence during their lifetimes.<sup>11</sup> In addition, 22.9% of women and 9.4% of men experienced some sort of contact sexual violence and 21.4% women and 9.4% men experienced non-contact unwanted sexual experiences in their lifetime.<sup>12</sup> In contrast, World Health Organization data on gender-based violence amongst women in Pacific Island nations estimates that 60-80% of Pacific Islander women and girls experience physical or sexual violence by a partner or other individual in their lifetimes.<sup>13</sup> Again, while the NISVS weights racial and ethnic data in its survey, the survey is only conducted with English and Spanish speakers, resulting in likely unrepresentative data collection about victimization rates in communities with more recent immigration experiences, i.e., API, African, and Middle Eastern and indigenous communities.

***API-GBV recommends that OMB draw upon existing models for developing whole of government standards for identifying and meeting language access needs, as well as conducting surveys in languages beyond English and Spanish.*** For example, the Federal Emergency Management Agency has a language access plan that provides individual assistance

---

<sup>10</sup> <https://www.scientificamerican.com/article/its-a-myth-that-asian-americans-are-doing-well-in-the-pandemic/>

<sup>11</sup> Yoshihama, M. & Dabby, C. (2015) Asian Pacific Institute on Gender-Based Violence. Facts & Stats Report: Domestic Violence in Asian and Pacific Islander Homes, Oakland, CA: Available at <https://www.api-gbv.org/resources/facts-stats-dv-api-homes/>.

<sup>12</sup> Centers for Disease Control and Prevention. (2017). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report. Available at <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>

<sup>13</sup> United Nations Population Fund, Pacific Sub-Regional Office (2014, April). Population and Development Profiles: Pacific Island Countries. Available at: [https://pacific.unfpa.org/sites/default/files/pub-pdf/web\\_140414\\_UNFPA\\_PopulationandDevelopmentProfiles-PacificSub-RegionExtendedv1LRv2\\_0.pdf](https://pacific.unfpa.org/sites/default/files/pub-pdf/web_140414_UNFPA_PopulationandDevelopmentProfiles-PacificSub-RegionExtendedv1LRv2_0.pdf).

materials in 20 languages and alternate formats, including Braille and large print.<sup>14</sup> The Office of the National Coordinator for Health Information Technology within HHS also use standards with full disaggregation of primary and preferred language data.<sup>15</sup>

Furthermore, data regarding victimization of individuals in the U.S Territories also fails to appear. Any national data collection surveys should include data from individuals in the U.S. territories in order to better address the longstanding disparities that exist among residents in territorial communities.

- ***Strengthen Privacy Practices and Transparency***

To improve participation in data collection and accuracy in the data, the federal government must build trust among the people from whom data is collected. The federal government should work to ensure that participants understand the purpose of the data collection; including how individuals can opt out of sharing data that is not required, what the data will be used for, how information will be shared and with whom, how the relevant agenc(ies) will protect the data against disclosure of personally identifying information, what remedies individuals have if their confidentiality or privacy has been violated, and what recourse individuals have for breaches or misuse of their data. Researchers and others collecting data must also take care to ensure that the questions used to collect data are racially and culturally sensitive.

- ***Standardize Disability Data***

In addition to race and ethnicity, as well as primary language data, we urge the OMB to standardize the collection, use, and reporting of disability data across all federal agencies, using the six-question Census Bureau/American Community Survey definition of disability.<sup>16</sup>

- ***Standardize Sexual orientation and Gender Identity Data***

Furthermore, compared with the general population, LGBTQ communities face disproportionate economic hardships, income gaps, and greater vulnerability to homelessness and food insecurity.<sup>17</sup> Institutional and systemic discrimination in employment, the labor market, and housing create barriers that narrow critical pathways to economic advancement and negatively contribute to the economic security and financial wellbeing of LGBTQ individuals and their households.<sup>18</sup> For LGBTQI people living at the intersection of multiple marginalized identities,

---

<sup>14</sup> U.S. Department of Homeland Security Federal Emergency Management Agency, Language Access Plan, 2016, <https://www.dhs.gov/sites/default/files/publications/FEMA%20Language%20Access%20Plan.pdf>

<sup>15</sup> See also, International Organization for Standardization, Language Codes 639, [http://www.iso.org/iso/home/standards/language\\_codes.htm](http://www.iso.org/iso/home/standards/language_codes.htm).

<sup>16</sup> <https://www.census.gov/topics/health/disability/guidance/data-collection-acs.html>.

<sup>17</sup> E.g., Badgett, M.V.L, et.al, (2019, October). LGBT poverty in the United States: A study of differences between sexual orientation and gender identity groups. Los Angeles, CA: The Williams Institute, available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/National-LGBT-Poverty-Oct-2019.pdf>; Romero, P., Goldberg, S., and Vasquez, L., “LGBT People and Housing Affordability, Discrimination, and Homelessness” (Los Angeles: University of CA School of Law, 2020), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Housing-Apr-2020.pdf>.

<sup>18</sup> National Academies of Sciences, Engineering, and Medicine, “Understanding the Wellbeing of LGBTQI+ Populations” (Washington: 2020), available at <https://www.nap.edu/read/25877/chapter/1>; Badgett, M.V.L; Carpenter, C.; and Sansone, D. (2021). "LGBTQ Economics." *Journal of Economic Perspectives*, 35 (2): 141-70, available at <https://www.aeaweb.org/articles?id=10.1257/jep.35.2.141>.

such as LGBTQI people of color or immigrants, these disparities and challenges are even greater.<sup>19</sup> While there has been some progress made in the collection of sexual orientation and gender identity data, there are no federal government-wide standards for such data.<sup>20</sup> We recommend that the administration *expand and enhance efforts to collection demographic information on sexual orientation, gender identity, and intersex (SOGI) status* in order to inform equitable public policy strategies. Collecting SOGI and intersex status data will bring visibility to the experiences of LGBTQI people and support intersectional analysis of LGBTQI communities of color, persons with disabilities, rural communities and other populations.

## **AREA 2: Barrier and Burden Reduction**

Assessing and remedying barriers, burden, and inequities must also be conducted in an intersectional manner. To address the challenges impacting API survivors of gender-based violence, accommodating cultural differences is crucial. API-GBV provides the following recommendations:

- ***Strengthen Language Assistance and Accommodations for Limited English Proficiency and for People with Disabilities***

Approximately 25.1 million individuals in the United States are Limited English Proficient (LEP). Strengthening language assistance services and accommodations for LEP, people with disabilities, and seniors is particularly critical as the impacts of failure to do so can have cascading, inequitable impacts, in particular, for API and immigrant survivors of gender-based violence. For example, in child welfare cases, the need for linguistically accessible services for meaningful participation in court-ordered services is critical because of the nature and lifetime impacts of the important interests at stake, namely the right to parent one’s children. When court-mandated services fail to provide for meaningful language access, parental rights can be terminated, resulting in permanent separation of children and families.

Another example provided to API-GBV from an affiliated partner illustrates the compounding and cascading impacts when language access is not provided in the law enforcement or health systems. An attorney in API-GBV’s network conveyed the story of a limited English-speaking Korean-speaking domestic violence survivor. An English-speaking husband contacted police, conveying that he was concerned that his Korean-speaking wife was not taking her medication and would commit self-harm and harm to their children. When the police arrived, they took the report of English-speaking husband and parents, did not speak to the wife, and placed her on an emergency psychiatric hold. At the hospital, the emergency room psychiatrist relied on the information in the police report, and diagnosed the wife as paranoid schizophrenic catatonic, all

---

<sup>19</sup> See, e.g., “Anti-LGBTQ Discrimination Inflicts Disproportionate Harm on People of Color,” available at [https://www.thetaskforce.org/wp-content/uploads/2021/06/LGBTQ\\_Discrimination\\_PR.pdf](https://www.thetaskforce.org/wp-content/uploads/2021/06/LGBTQ_Discrimination_PR.pdf) (last accessed June 2021); Gruberg, S., et.al., “The State of the LGBTQ Community in 2020: A National Public Opinion Study” (DC: Center for American Progress, 2020), available at <https://www.americanprogress.org/issues/lgbtq-rights/reports/2020/10/06/491052/state-lgbtq-community-2020/>

<sup>20</sup> Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, Current Measures of Sexual Orientation and Gender Identity in Federal Surveys, 2016, <https://nces.ed.gov/FCSM/pdf/buda5.pdf>.

the while failing to speak to wife. Following this diagnosis, the psychiatric unit treating psychiatrist further relied on the police report and admitted the wife to the psychiatric unit with a diagnosis of paranoid schizophrenic and catatonic: refusing medication. When the Korean-speaking attorney was able to meet with her, the wife responded that she was fine, and didn't wish to remain confined in the hospital. The attorney discerned that she had refused to take medication because the hospital had been offering her the incorrect medication. When she was offered the proper psychiatric medication, she willingly took it. The attorney further learned later that her abusive husband had been withholding her medication. Unfortunately, some of the devastating consequences of the lack of language access included loss of her liberty, trauma, and incorrect conclusions in a psychological evaluation finding that she poses danger to herself and her children, which likely have long term implications for child custody and parenting.

To prevent ongoing and future inequities such as the aforementioned examples, among others, federal agencies should:

- As a threshold matter, encourage recipients of federal funding for victim services, public safety and law enforcement, economic supports, and health programs to ***engage in language access assessment and planning to ascertain LEP service needs*** by prioritizing federal resources for such entities.<sup>21</sup>
  - Ensure federal materials, forms, websites, and documents are ***translated into threshold languages, and are easy to read and user-friendly***.
  - Ensure federal materials, forms and documents are ***available in alternative formats such as large font, Braille or electronic formats; sign language interpretation*** should be provided for oral communication.
  - Hire racially/ethnically diverse community-based organizations to ***“field test” translated materials*** for cultural and linguistic appropriateness.
  - Create ***dedicated units and hotlines to assist LEP individuals, individuals with disabilities, and seniors*** seeking benefits with application questions, renewals and other needs. These hotlines should enable applicants to connect to assistance in their native language.
  - Provide ***dedicated funding for community-based organization (CBO) navigators and assisters*** who are representative of the diverse communities they serve, play a critical role in facilitating enrollment through online application and automated renewal systems.
- 
- ***Programs and Agencies that Encounter and Serve Survivors of Gender-Based Violence Should Account for the Intersectional Compounding Impacts of Violence that Primarily Impacts Women and Gender Non-conforming Individuals, Racism and Xenophobia***

Government agencies that support or provide services accessed by API survivors of gender-based violence must be culturally relevant, intersectional, and trauma-informed to adequately and equitably meet survivors' needs. For programs that require the experience of victimization

---

<sup>21</sup> See, [https://www.lep.gov/sites/lep/files/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf)

for eligibility, such as housing,<sup>22</sup> immigration status,<sup>23</sup> waivers or exceptions to program requirements for public benefits<sup>24</sup> or unemployment compensation,<sup>25</sup> this means embracing a “*No Wrong Door*” approach to providing services, and allowing people to disclose at their pace, as well as re-apply even if initially denied services. For example, advocates report to API-GBV that many survivors from API communities, immigrant communities and other communities of color may not voluntarily describe themselves as domestic violence or trafficking survivors. In the context of education, API students, for example, are likely to under-report victimization due to cultural influences, i.e., they may be more likely than Caucasian students to believe that women should be held responsible for preventing rape, and have stronger beliefs that victims cause the rape and most rapists are strangers.<sup>26</sup> Thus programs intended to support victims needs should acknowledge the impacts of such cultural messages of victim-blaming and allow for multiple opportunities for individuals to report victimization.

In addition, federal agency and program funding for direct services of all kinds, notwithstanding the specific program purpose, i.e., housing, healthcare, mental health, childcare and early learning, or food supports, should have training and institutional support for having a *trauma-informed lens towards domestic and sexual violence*. Survivors of gender-based violence who are seeking basic services, are frequently in contact with a web of service providers who could be the first to spot signs of domestic and sexual violence and direct survivors to resources.

These diverse providers may also need to address a survivor’s needs more specifically in the context of violence; for example, an advocate reported to API-GBV about the challenges imposed by short shelter stays, sometimes only two months, causing additional trauma and harm. In particular, survivors who are limited English speaking, with unsecure immigration status and few social supports may be unable to rebuild their lives in such a short time and are often forced to return to an unsafe situation. *Building the capacity of these service providers to support survivors in trauma-informed ways, and in partnership* with domestic violence advocates, acknowledges the interconnectedness of survivors’ needs and gives more pathways to safety, stability, autonomy and liberation. Advocates note that often the best programs are those that are culturally relevant, staffed by community members who have a strong understanding of the cultural barriers impacting access and services.

For API survivors who do come forward and disclose the harm they have experienced, there must also be an intersectional analysis of the unique impact of race and gender on API survivors and how they are treated while seeking safety and stability. One advocate emphasized how racial discrimination, for example, is often embedded in how domestic and sexual violence cases are assessed by victim and social service providers and the criminal and civil legal systems. API women face a host of stereotypes at the intersection of race and gender, from the “tiger mom” trope and model minority, to being seen as docile and submissive. These stereotypes can add to

---

<sup>22</sup> <https://archives.hud.gov/news/2016/pr16-159.cfm>

<sup>23</sup> <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes>

<sup>24</sup> <https://www.acf.hhs.gov/ofa/faq/q-domestic-violence-waivers>

<sup>25</sup> <https://www.legalmomentum.org/sites/default/files/reports/State%20Law%20Guide-Unemp%20Ins%20for%20Victims%20of%20DV%20%26%20SA-7-14.pdf>

<sup>26</sup> Lee, J., Pomeroy, E. C., Yoo, S. K., & Rheinboldt, K. T. (2005). Attitudes toward rape a comparison between Asian and Caucasian college students. *Violence against Women*, 11, 177–196. <https://journals.sagepub.com/doi/10.1177/1077801204271663>

victim-blaming in domestic violence and sexual assault cases: API women perceived as “tiger moms” may be inappropriately questioned why they wouldn’t just leave an abusive situation, and API women stereotyped as docile and submissive may not be believed when they act out of self-defense and survival in an abusive situation. API survivors should be treated with dignity, respect, and free from racial and xenophobic discrimination throughout their process of seeking safety and building back their lives from violence.

As an example within the context of U.S. Citizenship and Immigration Services (USCIS), API-GBV recommends that *USCIS reissue policy manual guidance on the use of discretion* in its adjudications, including adjustment of status to address the intersectional harms immigrant survivors face.<sup>27</sup> The current discretionary factors effectively punish survivors for the harm they have experienced, by failing to account for the realities of individuals applying for survivor-based protections and how commonly negative factors may arise as a *consequence* of victimization, persecution, economic instability, and/or trauma. Updated guidance should provide examples of how survivors are impacted by trauma, including how trauma survivors may engage in unfavorable activity as a result, and USCIS should ensure that all adjudicators in cases involving survivor related protections or asylum receive training on the impacts of trauma.

- ***Simplify Forms and Eliminate Unnecessary Data Collection and Requirements for Programs and Services***

In all application processes, the federal government should eliminate unnecessary questions and documentary evidence collection unrelated to eligibility for the benefit being sought. For example, many USCIS forms are much longer than they need to be, and request extraneous information well beyond the statutory requirements for benefits, which places additional burdens on applicants who must obtain extra and unnecessary evidence. For API and immigrant survivors of gender-based violence, having to respond to these extraneous questions may put them at additional risk of harm, and increases the cost for legal representation, not to mention placing an increased burden on agency staff who must then verify this information. In addition, API-GBV recommends:

- ***Benefits granting agencies, should reduce the number of paper verifications*** required for applications and renewals, and use electronic data sources and eliminate verification requests that are no longer needed. For example, USCIS should continue the pandemic practice of reusing previously submitted biometrics data on applications that require biometrics, such as Forms I-485 and N-400, among others, that applicants do not continue to be burdened to repeatedly attend appointments for collection, given that biometric information is static over time.
- ***Promote the streamlining of application processes*** at the state and local level, such that the information provided to a state or local benefits granting agency in an application developed for health care coverage could so be used to apply for additional benefits such as financial, food, or childcare assistance.
- ***Allow applicants to provide additional documentation before their application is denied***, if there is insufficient information to establish or renew eligibility.

---

<sup>27</sup> Use of Discretion for Adjustment of Status [Policy Alert](#) November 17, 2020; Use of Discretion Applying Discretion in USCIS Adjudications [Policy Alert](#) July 15, 2020, and Applications for Discretionary Employment Authorization Involving Certain Adjustment Applications or Deferred Action, [Policy Alert](#) January 14, 2021

- **Benefits granting agencies should make self-attestation of eligibility requirements such as experience of victimization or income verification sufficient.** States and localities should have to ask for federal permission to require additional verification and show proof of waste, fraud and abuse.
- **Expand use of alternative identifiers or allow applicants to omit identifiers,** rather than seeking SSN's wherever possible, to help protect the safety and privacy of survivors fleeing domestic violence and stalking, as well as to limit the chilling impact for applicants who have ITIN's. For example, *HUD's HMIS Data Standards*,<sup>28</sup> which seek the collection of Social Security Numbers, along with other extensive personal identifying information, should be modified and met with less intrusive requirements to reduce the risk of harm to survivors, as well as decrease the chilling impact on others who lack SSN's.
- **Eliminate unnecessary requests for SSN's:** Rules that require benefit agencies to verify applicant's immigration or citizenship status have been misinterpreted by some agencies to require submission of immigration documents or SSNs in situations such information is not required. This in turn causes additional confusion and latitude for state agencies to set more stringent documentation requirements than necessary. Agencies should use guidance such as the HHS/USDA issued "Tri-Agency Guidance" in 2000 and additional guidance related to CHIP in 2001 and SNAP in 2011 to help reduce the invasive, chilling effect of immigration status-related questions on benefits applications.
- **Direct federal agencies to establish an income threshold across all programs** to simplify eligibility screenings for benefits across all programs, such as Supplemental Security Income, or SNAP, or fee waivers for USCIS immigration applications.
- **Make online application portals more user friendly and easy to understand.** Vulnerable communities face significant challenges and technological barriers to accessing existing web portals. Some of the main drivers of these accessibility challenges are portals that feature English-only, miniscule text-based content that is composed at a very high literacy level. In addition, existing portals often employ user interfaces that are complex to navigate and difficult to customize. Governments should seek vendors that can offer navigational elements of portal websites in beyond only English and Spanish, or the more infrequent Chinese portals. These fundamental accessibility gaps raise legal and ethical concerns, and ultimately jeopardize the return on public investment of federal portals.

- **Address the Chilling Effect of Immigration Enforcement on Government Programs**

In order to address the barriers, burdens, and inequities facing the API community, the Administration must acknowledge that nearly two-thirds of APIs in the U.S. are foreign-born and are impacted by the operations of the immigration system. Over the course of the last few years, the litany of administrative changes limiting immigration and increasing enforcement has served to undermine the progress that communities across the country have made to advance survivor and community safety and well-being.

Despite provisions in the immigration code which are intended to limit the ability of abusers to leverage immigration laws and the fear of deportation against their victims,<sup>29</sup> such as battered

---

<sup>28</sup> 69 FR 45888 (July 30, 2004), available at <https://www.govinfo.gov/content/pkg/FR-2004-07-30/pdf/04-17097.pdf>

<sup>29</sup> H.R. Rep. No. 103-395 p. 26 (1993)

spouse waiver of the Immigration Act of 1990,<sup>30</sup> VAWA of 1994,<sup>31</sup> and the T and U visa,<sup>32</sup> many with uncertain immigration status fear they will be deported for contacting law enforcement, to report abuse, sexual assault, and other crimes,<sup>33</sup> and are thus particularly vulnerable to victimization. To allay these concerns, API-GBV recommends:

- USCIS should **improve access to VAWA Self-Petitions, U, and T visas by reducing the backlog of survivor applications**. Processing times for immigration protections like VAWA self-petitions and U and T visas have skyrocketed, undermining the intent of the programs. VAWA self-petitions now take up to 26 months to be adjudicated. Current processing times for T visa applications are up to 35 months, an exponential increase from FY2015 when these applications took 6.4 months to adjudicate.<sup>34</sup> In the case of U visas, the delay is even more egregious, as current processing times for I-918 U visa applications can take about 60 months.<sup>35</sup> USCIS should increase its ability to reduce this backlog by prioritizing staffing for processing victim-related cases by doubling the number of adjudicators to process survivor applications and issue employment authorization for cases pending over 180 days.
- USCIS should **implement a parole program** for U waitlisted applicants abroad to enter the U.S. pursuant to 8 C.F.R. § 214.14(d)(2), such as September 2016 CIS Ombudsman’s office formal recommendation to USCIS to grant parole to U visa principals and derivatives abroad on the waitlist.<sup>36</sup>
- Federal agencies with regulatory and enforcement authority over health and safety should **strengthen their capacity to issue certifications** for the purposes of T and U visa applications. For example, the Department of Labor’s Wage and Hour Division, Office of Inspector General and Occupational Safety and Health Administration and the Equal Employment Opportunity Commission should be able to provide certification for victims for employment related crimes, including human trafficking. In addition, **federal compliance divisions and inspectors general** should strengthen their processes for providing certifications for victims when individuals are harmed by federal government actors, including by Immigration and Customs Enforcement (ICE),<sup>37</sup> Border Patrol, or the Bureau of Prisons.
- **The Department of Homeland Security (DHS) should issue guidance that includes a presumption of liberty for victims and witnesses of crime**. The guidance should further **prohibit removal while VAWA, T, U and other humanitarian petitions are pending**, as well as provide for expedited adjudications of USCIS applications for detained applicants, provide guidance on coordinating on Motions to Continue between ICE and

---

<sup>30</sup> P.L. No. 101-649, 104 Stat. 4978, codified at 8 U.S.C. §1186a(c)(4),

<sup>31</sup> P.L. No. 103-322, 108 Stat. 1902-1955 (1994)

<sup>32</sup> Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, §1502(a)(1)(2)(Oct. 28, 2000).

<sup>33</sup> See Stacey Ivie et al., *Overcoming Fear and Building Trust with Immigrant Communities and Crime Victims*, Int’l Ass’n Of Chiefs of Police (Apr. 2018), Retrieved from [https://www.policechiefmagazine.org/wp-content/uploads/PoliceChief\\_April-2018\\_F2\\_Web.pdf](https://www.policechiefmagazine.org/wp-content/uploads/PoliceChief_April-2018_F2_Web.pdf)

<sup>34</sup> <https://egov.uscis.gov/processing-times/> and <https://egov.uscis.gov/processing-times/historic-pt>.

<sup>35</sup> See USCIS Processing Times at <https://egov.uscis.gov/processing-times/> re: I-918 Petitions for U Nonimmigrant Status adjudicated at the Vermont or Nebraska Service Centers

<sup>36</sup> <https://www.dhs.gov/sites/default/files/publications/cisomb-u-parole-recommendation-061616.pdf>

<sup>37</sup> Kriel, L., ICE Guards “Systematically” Sexually Assault Detainees in an El Paso Detention Center, Lawyers Say, *ProPublica*, Aug. 14, 2020, <https://bit.ly/32wrdbO>.

USCIS, and specify that a prima facie determination from USCIS automatically triggers a stay of removal. ICE should further ***strengthen existing guidance***<sup>38</sup> regarding ***prosecutorial discretion for victims, witnesses and plaintiffs***, including for individuals who are involved in claims regarding the protection of their rights and civil liberties.

- DHS should cut ***the link between state and local law enforcement and federal immigration enforcement***. These links including ending the Secure Communities program, ending immigration detainers that are not accompanied by judicial warrants based on probable cause, revising interview protocols for individuals in nonfederal custody by ceasing warrantless interviews, ending the use of state or local facilities for civil immigration enforcement in state/local jails and prisons, terminating 287(g) or similar agreements, and restricting DHS use of information from state, local, and commercial databases.
- ***DHS should strengthen accountability for, and prevent violations of 8 U.S.C. §1367(d)***. Under 8 U.S.C. §1367, DHS is barred from taking adverse action against a victim based on information from an alleged abuser/perpetrator, and also barred from disclosing any information about victims who are VAWA self-petitioners or beneficiaries of battered spouse waivers or T or U visa applications, with some limited exceptions. DHS should promulgate guidance that improves and clarifies the process for investigation and penalties for personnel violations of §1367, including guidance providing for remedial measures for individuals placed in removal proceedings or ordered removed.
- Relatedly, DHS should ***strengthen privacy and confidentiality protections*** as well as notice to applicants about its information sharing practices related to how personally identifying information, including biometrics, is shared between agencies.<sup>39</sup> The security of such information is potentially compromised due to the increasing number of people authorized to access the information, as well as increased risks of unauthorized access and hacking. This is particularly concerning for survivors of domestic violence, sexual assault, stalking, human trafficking, and others who may have justified concerns about what information is collected, how information is stored and with whom and for what purpose it might be shared. For example, in cases of domestic violence or stalking where the abuser or their family or associates are in law enforcement, DHS' information sharing practices raise significant concerns regarding who may potentially have access to biometric databases.<sup>40</sup>
- DHS/ USCIS should work to quickly ***update the regulation on Inadmissibility on Public Charge Grounds***<sup>41</sup> to reassure immigrant survivors of domestic violence, sexual assault, and other crimes that they can access housing, healthcare, nutrition, and other public supports to help overcome abuse without negatively impacting their ability to regularize their immigration status. While many immigrant survivors are exempt from the public charge inadmissibility ground if they seek immigration status under VAWA, T & U visas, and asylum, many other victims of domestic violence, sexual assault, and human

---

<sup>38</sup> <https://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf>

<sup>39</sup> DHS, FBI, and DOD are in introducing standards that allow biometric databases to “communicate natively, ‘in their own language.’” Burt, C., *U.S. agencies working on standard for seamless communication between biometric databases*, Biometric Update (Sept. 26, 2018), at <https://www.biometricupdate.com/201809/u-s-agencies-working-on-standard-for-seamless-communication-between-biometric-databases>.

<sup>40</sup> <https://web.archive.org/web/20200409070910/http://womenandpolicing.com/violenceFS.asp>;  
<https://www.theatlantic.com/national/archive/2014/09/police-officers-who-hit-their-wives-or-girlfriends/380329/>

<sup>41</sup> [84 Fed. Reg. 41292](#) (Aug. 14, 2019); [84 Fed. Reg. 52357](#) (Oct. 2, 2019)

trafficking, along with their family members, seek status in other, non-victim based, immigration categories. USCIS should expand exemptions from the Public Charge ground to these survivors, or at a minimum, expand eligibility for waivers for survivors of domestic and sexual violence to avoid punishing survivors for the violence they've experienced, or putting them at further risk of violence.

- Relatedly, USCIS should ***provide a clear list of benefits*** that count as factors in a public charge determination, as well as a guidance clarifying examples of benefits that do not count as factors. This is particularly important for survivors who are accessing victim services and benefits, including federal supports and assistance provided through programs funded under the Violence Against Women Act, Family Violence Service Prevention Act, or Victims of Crime Act, among others, as well as state, local, and privately funded programs intended to address the needs of victims. One particularly devastating example of the need for such guidance is that of a Washington State rape survivor who chose to forego a Sexual Assault Nurse Examination and related medical care and counseling because she feared that doing so would preclude her from receiving lawful permanent residency or citizenship in the future due to the public charge grounds.<sup>42</sup> Other survivors have declined accessing critical supports such as transitional housing or benefits for their children despite the likelihood that such program would not have counted under the 2019 Public Charge rule.
- In addition, HUD should ***implement its 2016 guidance*** clarifying that immigrant survivors who are VAWA self-petitioners are eligible for federal housing assistance programs covered by Section 214 of the Housing and Community Development Act of 1980. As HUD's implementation of this guidance has been minimal, advocates continue to report VAWA self-petitioners being turned away by federally subsidized housing providers. There are also practical, operational obstacles when trying to administer these subsidies for VAWA self-petitioners, as HUD has failed to issue further guidance. For example, many of the Section 214-covered housing programs require that at least one member of the household have a Social Security Number (SSN). However, many VAWA self-petitioners do not have SSNs for work purposes and, therefore, must seek non-work SSNs from the Social Security Administration, delaying access to critical housing supports. As noted earlier, ***eliminating unnecessary requests for SSN's*** would also help expedite access to housing for VAWA self-petitioners.

- ***Acknowledge and Address the Impacts of Colonization and Imperialism on Native Hawaiian and Pacific Islander Communities***

Many Native Hawaiians and Pacific Islanders face significant socioeconomic disparities as a result of limited educational and economic opportunities due to the impacts of colonization and imperialism. For example, almost 15% of Native Hawaiians and Pacific Islanders live below the poverty threshold compared with about 9% of non-Hispanic whites.<sup>43</sup> In 2019, the unemployment rate for Native Hawaiians/Pacific Islanders was 5.9 percent, as compared to 3.7 percent for non-Hispanic whites. In the Pacific Island territories, imported diets, illnesses, and

---

<sup>42</sup> Brief of Amici Curiae Nonprofit Anti-Domestic Violence and Sexual Assault Organizations in Support of Plaintiff's Motion for Preliminary Injunction. "State of Washington et al v. DHS et al. (Sept. 19, 2019), available at <http://bit.ly/2mfArzU>

<sup>43</sup> US Census Bureau: Income and Poverty in the United States 2019, available at <https://www.census.gov/library/publications/2020/demo/p60-270.html>

economic practices imposed on islanders, have resulted in disruptions of native lifestyles, traditions, languages, health and well-being. API-GBV recommends federal agencies:

- Improve access by working to ***increase awareness and support for the unmet needs of Native Hawaiian and Pacific Islander communities*** including culturally relevant programs and services.
- ***Address the needs non-citizen Pacific Islanders from Freely Associated States (COFA) and various Pacific Island countries***, including access to health care and economic supports. For example, the United States tested nuclear weapons in the Marshall Islands from 1946 to 1958,<sup>44</sup> resulting in conditions which today is 10 times more radioactive than Chernobyl and putting Marshallese people at increased risk of cancer, thyroid complications, radiation poisoning, psychological trauma, reproductive health disruptions such as radioactive breast milk, still-births, stunted childhood growth, and congenital birth defects, and many other health issues.<sup>45</sup> Only recently have COFA residents become eligible for Medicaid<sup>46</sup> due to Congressional action, but COFA residents continue to be ineligible for other federal benefits programs.

### **AREA 3: Procurement and Contracting**

Every federal agency and department can begin to shift its contracting dollars towards increased investments in contracts with culturally specific organizations in racial and ethnic minority communities to help to address persistent racial gaps in income and wealth equality that have resulted from decades of structural racism, and exclusion.<sup>47</sup> It is also crucial that payment schedules be re-examined as many culturally specific organizations are not in a financial position to secure or accumulate financial resources to “float” large sums of delayed accounts payable.

Practices such as up-front payments and multi-year terms can be applied to federal government funding, e.g., through grants and cooperative agreements. Furthermore, since a lot of contracting requires “prior experience”, especially in managing increasing larger projects and costs, this leveraging of federal contracting also builds the capacity of culturally specific organizations and businesses/contractors to become and remain competitive for future contracting and procurement opportunities.

- ***Support culturally specific organizations, minority-owned contractors, and local territorial organizations as the primary contractors rather than subcontractors***

As federal departments and agencies become more conscious of equity, one common strategy is to create sub-contracts in a large national initiative or program to address the needs of specific racial and ethnic populations. This is often done in federal public education and communications projects and campaigns, when a national firm is contracted to develop and implement the project or campaign, and that prime contractor then awards sub-contracts to Black, Hispanic/Latino,

---

<sup>44</sup> <https://www.washingtonpost.com/sf/national/2015/11/27/a-ground-zero-forgotten/>

<sup>45</sup> [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-48-Add1\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-48-Add1_en.pdf)

<sup>46</sup> <https://www.medicaid.gov/medicaid/eligibility/downloads/state-impl-short-term-workarounds-and-outreach-strategies.pdf>

<sup>47</sup> [https://www.policylink.org/sites/default/files/InclusiveProcurement\\_final-3-5-18.pdf](https://www.policylink.org/sites/default/files/InclusiveProcurement_final-3-5-18.pdf)

Asian American or other minority-owned businesses or culturally specific organizations as subcontractors to adapt and/or translate materials for their respective populations.

API-GBV recommends inverting this common arrangement and instead, seeking a culturally specific organization to lead the project as the prime contractor, bringing in other culturally specific organizations as partners as appropriate, and subcontracting with national communications firms for scaling up projects as needed. If minority communities are added on as after-thoughts, with adaptation and translations of messages and communications strategies that have been developed for the general population by national firms who lack experience and expertise with diverse racial and ethnic communities, then there will continue to be ineffective implementation of those projects and campaigns. On the other hand, if effectively reaching diverse communities is included as a primary element in selecting contractors, and the development of the project or campaign, then it is more likely to be effective in reaching those diverse audiences.<sup>48</sup> Finally, since success in federal contracting is often dependent on experience, this shift in contracting strategies will build the books of business for minority-owned contractors to be more competitive for all future projects.

Furthermore, directly support organizations and programs *in the U.S. Territories*, rather than importing culturally unresponsive mainlanders to develop their organizational and management capacity to operate culturally specific, community-based and faith-based program delivery systems and services in the areas of victim supports, social services, health, education, economic development, and language and cultural preservation. This could include training and promoting additional Native Hawaiian and Pacific Islander professionals in the areas of health, education, economic development, policy implementation, law, business, and other areas lacking Native Hawaiian and Pacific Islander representation.

#### **AREA 4: Financial Assistance**

Federal agencies and departments should dedicate budgetary commitment to address persistent inequities in income and wealth equality that have resulted from decades of discrimination and exclusion. As part of these efforts, funding for the U.S. territories should also account for gaps in infrastructure and resources. The OMB should work with federal agencies to identify opportunities to adopt more equitable business practices throughout each agency. This includes:

- ***Grant-making to Culturally Specific Community-based Organizations:***

API-GBV recommends that federal agencies ***fund capacity-building, multi-year grants*** that will allow smaller organizations that are on racially and ethnically diverse communities to engage more meaningfully in federal systems and reforms. Multi-year grants are particularly important for ensuring whatever capacity organizations build under these initiatives continues to carry over into future administrations.

In addition, federal agencies should ***simplify and streamline federal grant application and reporting*** requirements so community-based organizations with fewer staff and financial

---

<sup>48</sup> <https://www.npr.org/2020/02/20/807126443/disparities-in-government-contracting-hurt-minority-owned-businesses>

resources can more equitably access competitive federal grant opportunities. Federal applications, which can run to more than 40-50 pages should be shortened. Agencies should reduce the frequency of grant reporting from quarterly reports to biannual or yearly and provide greater flexibility should contract amendments need to be made. Relatedly, vendors supporting government reporting programs, should be required to continuously improve customer accessibility, such that small community-based organizations are not forced to spend excess time resources on reporting, rather than on service delivery. Federal agencies **should provide technical assistance** so smaller, racially, ethnically diverse community-based organizations without access to additional resources for consulting or fundraising, can complete applications and comply with reporting requirements.

**Clearly articulate and integrate equity goals as part of grant scoring rubrics** in order to ensure entities that receive grant and financial assistance are reflective of the populations served by federal agencies and capable of meeting agency aims and goals. This includes explicitly requiring funding for **interpretation and translation, and language access plans** for grants that provide direct services to the public. Relatedly, agencies should **expand pools of grant reviewers** to reflect diverse communities and life experiences.

**Provide sustainable funding timeframes for community-based organizations:** Federal agencies should seek to shorten grant approval times, which can often take up to 12-18 months. In addition, the lag time between grant application and implementation can be difficult for smaller CBOs to absorb from a budget standpoint.

**Invest in directly impacted communities:** Provide funding directly to community-based organizations instead of block grants through state and local governments, or public institutions, where significant portions of funds are often “absorbed” by institutions rather than allocated equitably to those in need.

- **Direct financial assistance to individuals and families**

Following the March 2021 shootings of six Asian women in Atlanta, API communities and other communities of color are calling for a sustained investments in making local communities stronger and safer through quality, affordable housing, living wage employment, public transportation, education, and health care that includes voluntary, harm reduction and patient-driven, community-based mental health and substance abuse treatment.

API-GBV recommends that federal agencies provide **economic supports to individuals**, by:

- Ensuring as many federal relief dollars as possible are made available for all individuals who have faced economic hardship as a result of the pandemic, regardless of immigration status.
- Funding **culturally specific, community-based workers/navigators** that can play a pivotal role in connecting individuals to health, public health, employment, housing and other social supports. and behavioral health.
- **Developing and scaling training, mentorship, apprenticeship, and leadership programs** that engage diverse communities in health, education, and other careers starting in K-12 and extending through professional training to safety-net employment.

- Making deep and broad investments in ***building affordable and accessible housing***, such as programs assisting renters, preventing foreclosures, and promoting home ownership, including programs targeting survivors of gender-based violence.
- The SNAP program should ***expand its partnerships*** with farmers markets, food banks, and schools, and should ***be available to all low-income individuals***.
- Every part of the United States – from inner cities to rural areas, tribal lands, Alaska Native villages and to the U.S. territories – ***should provide free access to high-speed broadband*** to its residents by expanding the FCC Lifeline Program and investing in the infrastructure needed to bring high-speed broadband to underserved areas.
- The Federal government should ***build adequate infrastructure*** in communities of color, including the US Territories, Tribal lands and Alaska Native villages to ensure that every individual has regular access to clean and safe drinking water, and lives in a community free from pollutants and pesticides.

In addition, API-GBV recommends funding for the criminal and civil legal systems that:

- Supports ***restorative practices and alternative accountability mechanisms*** beyond the criminal legal system.
- Expands the right to counsel to ensure that any individual in need has ***adequate and free legal representation*** including in criminal court, immigration proceedings, and domestic violence protective order, family law, child welfare, other civil and administrative proceedings.
- Ends ***private immigration detention and prison contracts***, and implements authentic alternative measures to policing, such as continuing to support states and localities to invest in community-based crisis response teams that respond to a wide variety of emergencies without law enforcement.

Funding for health programs should:

- ***Provide Medicaid benefits*** as broadly as possible to low-income residents, regardless of immigration status.
- Provide ***culturally and linguistically relevant services***, including interpretation and translation for including health enrollment and navigation, as well as healthcare, mental health, and substance use disorder services.
- Authorize all residents to purchase ***subsidized health coverage*** through federal and state marketplaces.
- Strengthen ***investments in community clinics and safety net infrastructure*** so everyone has access to the full range of health care including behavioral, reproductive, and oral health care.
- Invest in ***significant mental health prevention and treatment efforts*** that address adverse childhood experiences and trauma experienced by adults, including COVID-19 related trauma, exposure to domestic and sexual violence, and racial trauma.
- Invest in federal and state ***public health infrastructure*** to respond to the current pandemic and prepare for future public health crises.

- ***Training and Capacity Building within Federal Agencies to Support Equitable Grantmaking and Financial Assistance Efforts***

Within federal agencies themselves, staff should be regularly trained on diversity, cultural humility, and implicit bias, and agencies should hire or designate staff to design, implement and evaluate equity plans.

- ***Hire equity officers*** with sufficient leadership authority within agencies, who have the necessary qualifications and training to provide leadership in the design and implementation of each agency’s strategies and programs to ensure health equity and racial justice are prioritized and addressed.
- ***Ensure agency policies and procedures consider inequities and are designed to promote equity*** through trainings, hiring, contracting, financial assistance/grant-making programs, community engagement etc.
- ***Ensure agency staff, contractors and subcontractors receive sensitivity, diversity, implicit bias, communication skills, and cultural competency training*** including reviewing training materials to ensure the materials are current with standards of practice, maintaining records of training completion, and developing quantifiable metrics that can track and evaluate the results of the targeted interventions designed to eliminate inequities.

- ***Feedback Loop***

Federal agencies should ***survey funding recipients*** to assess and identify opportunities to improve equity in grantmaking processes. Third party consultants can also assist agencies in soliciting responses to encourage candid feedback to avoid concerns of backlash. In addition, agencies should ***assess and reassess outcomes regularly*** to see if the types of changes that have been implemented are positively impacting results.

## **5. Stakeholder and Community Engagement**

At the heart of any equity strategy is proactive, intentional, and ongoing engagement of stakeholders and communities most directly impacted. For the federal government, that means engagement of the users of its programs and services, whether the general public, or users of specific health, educational, housing, justice, and other federal programs and services.

- ***Actively and effectively listen to and consult with directly impacted communities***  
***Organize listening sessions and establish workinggroups*** that not only include non-profits and community-based organizations, but also users and consumers, to provide input in the design of grant and federal assistance programs, community and stakeholder engagement processes and pressing issues. Of particular importance is in-language outreach and education across diverse communities, including through the development of updates for the public in languages beyond just English and Spanish, including through ethnic media and with ethnic community leaders. Advocates shared with API-GBV the importance of ***valuing the feedback of those with lived experiences and a deep understanding of the dynamics and history of their community*** in

participation on advisory boards, task forces, and commissions, beyond filling such bodies with only those with professional experience or degrees.

User experience and satisfaction, and accessibility and clarity of consumer-facing information and materials for government programs are seldom tested or evaluated. Access for those who speak, read, and write languages other than English, and individuals with disabilities is generally inconsistent. Also, complaints and concerns raised about the inaccessibility of information and materials are often dismissed, minimized, or excused with responses that additional resources would be needed to address the issue due to budget constraints. Accordingly, we strongly urge appropriately resourced processes to support users/consumers participating in the co-design, review and evaluation of relevant programs and materials. OMB should adopt guiding principles of ***co-design, quality assurance, and continuous evaluation*** of programs through the engagement and active participation of users/consumers of programs and services on all department and agency advisory groups and evaluation teams. This includes travel and stipends to support the expertise of lived experiences that users/consumers bring to improve the design and implementation of federal programs and services. As part of this, agencies should ***strengthen and ensure inclusion*** of the voices of Native Hawaiians and Pacific Islanders as well as diverse communities within the Asian American umbrella in the development of policies and programs that affect their lives at the federal, state, and local levels. Multiple advocates have expressed the challenges that come with being the only API representation in a space and the impossible challenge it poses to be tasked with representing the entirety and complexity of the API community.

- ***Build long-term working relationships***

Finally, federal agencies and departments should develop, build, and sustain long-term working relationships with communities and populations that have been underserved, under-invested, and under-represented. While we commend the attention in this RFI to identifying policies and procedures to eliminate barriers to access and utilization of federal programs and services for individuals, systemic and institutional barriers, including structural racism, should also be addressed. Dismantling these exclusionary and inequitable systems and structures cannot solely rely on assisting an increased number of individuals accessing and utilizing federal programs and services. There must also be an explicit acknowledgement of federal agencies' roles in discrimination and exclusion. Building working relationships with underserved, under-invested, and under-represented communities and populations takes time, transparency, and trust; it also takes leadership and organizational cultures that are humble, reflective, and continuously learning.

### **Conclusion**

We appreciate the Administration's commitment to equity for underserved communities. We would welcome the opportunity to discuss any of these issues with you and look forward to working with you to advance equity for all.

If you have any questions about the content of this comment, please feel free to contact Grace Huang, Director of Policy at the API-GBV at [ghuang@api-gbv.org](mailto:ghuang@api-gbv.org). Thank you for your consideration.