



## Background Information for OTOC's Questions to Candidates for Congress

### Modernizing Immigration Law:

**Question:** *Yes, or no, do you agree with OTOC that our current immigration system is broken? What would you do to improve our immigration system? Would your plan include a path to citizenship for those immigrants who 'play by the rules?'*

There are 11 million undocumented immigrants in the US. Nebraska is home to 65,000 of them. There is data that suggests that Nebraska could lose one of its congressional representatives if these 65,000 immigrants were deported.

Undocumented immigrants work and they pay taxes – sales tax, gasoline tax, payroll taxes, and property taxes. They work in construction replacing most of our roofs. They harvest and serve our food. If you live in a home with a roof or eat food you are likely the beneficiary of immigrant labor.

There are 16 million Americans in what are called mixed-status families where some family members have legal status while others do not.

### Ending the indefinite detention of asylum-seeking women and children

**Question:** *Remembering that seeking asylum is not against US law, what would you do to end the practice of incarcerating these women and their children?*

From July of 2014 to March of 2016, over 27,800 women and their children have been detained at one of the federal “Family Residential Detention” centers in Texas, Pennsylvania or New Mexico (now closed) that are operated by private prison corporations. The vast majority are women and children fleeing the extreme gang violence and persecution now endemic in Guatemala, Honduras and El Salvador.

About 1,600 women with their children are currently being detained in three facilities, two in Texas and one in Pennsylvania. Instead of being released to live with family or friends, under strict supervision by Immigration and Customs Enforcement (ICE), they are detained for months at a time in prison-like facilities operated by private for-profit prison corporations.

Since 2014 women entering the U.S. for the first time, 87% of them were found to have a “Credible Fear” of return in their initial asylum interviews with DHS asylum officers. For women entering the US for a second time or more, 71.7% were found to meet the higher standard of having a “Reasonable Fear” of violence, meaning they too could seek asylum.

Both the Justice Department and Department of Homeland Security are currently examining the operations of these privately run facilities that charge the federal government between \$200 and \$350 per person, per day to house immigrant detainees. But the emotional and physical toll on the women and



children is even more dramatic. After a visit in July 2016 to the Pennsylvania facility by mental health and legal experts, Human Rights First found:

*“This prolonged detention has had serious negative consequences for children, including suicidal gestures and ideation, anxiety, sleeplessness, behavioral regressions, and lack of appetite. Moreover, the facility has failed to provide adequate health and mental health care to children and their mothers, has been accused of institutional neglect, and employs staff members who make children feel unsafe.”* (from Human Rights First, June 2016 Fact Sheet).

### **Impact of being Represented by Lawyers**

Of the 27,800 women who have been detained, 73% of them had no access to attorneys. Nationally, Omaha is an exception with over 50.3% of mothers with children seeking asylum having representation in a study ending in January, 2015. When women have legal counsel, 98% of them show up to court and remain in compliance with all immigration proceedings. Compliance is lower when women lack lawyers due to fear from not knowing how the process works, language barriers, or no help overcoming the practical barriers to getting to court.

US legal precedent and the legal process are not sympathetic to people seeking asylum due to gang violence.

- When a person is not represented by an attorney, in some jurisdictions, only 2% of the asylum petitions have been accepted.
- When a person is represented by an attorney, 28% of the petitions have been accepted.
- Success seeking asylum also depends upon which Immigration Court is hearing the case. The Immigration Court in Atlanta routinely grants asylum in only 2% of the cases while the Immigration Courts in San Francisco grant asylum in over 50% of the cases for this population.

### **Improving Access to Health Care**

**Question:** *OTOC’s position is that quality health care should be available to all at the lowest feasible cost. Yes, or no, do you agree with OTOC’s position? If you support the Affordable Care Act (ACA), what changes would you make to the ACA to make it sustainable so that all Americans have access to affordable, high quality healthcare? If you would repeal the Affordable Care Act, what plan would you offer that would provide the same principled coverage and care, offered by the ACA?*

**OTOC’s position is that we should have health care for all at the lowest feasible cost.** When the Affordable Care Act (ACA) was enacted in 2010 by the federal government, the intention was to provide health insurance coverage for *all* citizens. That is yet to happen in Nebraska. Still, every citizen who has health insurance of any kind has benefited from the ACA, because the ACA requires that companies offering health care insurance be held to high standards of business morality and practice. Among others requirements, they include:

- Excluding no one for having pre-existing health conditions;
- Permitting parents to keep their children, up to age 26, on their family policy;
- Abolishing annual and lifetime limits on insurance coverage;



- Making it illegal to charge more based on gender or medical condition;
- Requiring that your premium dollars be spent primarily on health care, not administrative costs;
- Gradually eliminating the “donut hole” prescription coverage gap in Medicare Part D.
- Covering preventative care doctor visits with no co-payment required; &
- Requiring policies to provide broader coverage, including care for maternity and, at long last, mental illness. This is welcome news to OTOC.

In recent Omaha World-Herald articles announcing the departure of Blue Cross/Blue Shield Nebraska from the ACA Marketplace in 2017, Blue Cross CEO, Steve Martin, stated that he believes the ACA can be fixed. Current unhelpful rules let people buy insurance just before they are due to receive an expensive health treatment and then drop their coverage right after that. They also set such a narrow range of coverage prices between youngest and oldest policy holders, that younger, healthier people choose to pay the penalty rather than pay for a policy. This leads to an unbalanced pool with too many sick people and too few well people.

That imbalance has also been fed by pent up demand for care by people who have gone so long without health care that their health has worsened significantly, as well as by the “no exclusions” rule, and the broadening of coverage.

A recent analysis of the ACA across the nation showed that ACA Marketplaces in states that have expanded Medicaid eligibility have less serious problems, lower costs and a broader choice of providers.

**Not Criminalizing Mental Illness**

**Question:** *OTOC’s position is that mental illness is a medical condition and should not be criminalized. Anyone in prison who is diagnosed with a mental illness should be offered appropriate treatment. Yes, or no, do you agree with OTOC’s position?*

*If elected, what will you do to reduce the jailing of people with mental illness?*

**OTOC’s position is that mental illness should be treated, not criminalized:** The Nebraska Unicameral has recognized through two Interim Studies, LR 413 and LR 34, of the great need for improved mental health care for the entire population of Nebraskans, and, more specifically, for those in Correctional institutions. Data from a recent TriWest Study in Omaha and from a 2015 study done by Dr. Bruce Gage for the Nebraska Department of Correctional Services (NDCS) demonstrate the great needs to be met.

These are some of the needs found in the TriWest Report for which committees in Region 6 are now attempting to find solutions:

- 1) lack of access to care, 2) a fragmented system, 3) decreased funding, 4) non-integrated care for co-occurring disorders, 5) a non-comprehensive Psychiatric Emergency System, 6) lack of housing, 7) workforce shortages, 8) lack of First Episode Psychosis care, and other recent innovations in mental health care. LR 413 was passed to assess mental health care in the rest of Nebraska, and that committee is finding most of the same issues there.

For the NDCS Report, these statistics for the correctional institutions reflect some of the great unmet needs--1) 82% of the inmates have a mental illness and/or a substance abuse disorder, 2) 50% of the female population and 25% of the male population take psychotropic medications, 3) there are insufficient



health care providers, 4) there are gap times when inmates are admitted and discharged when they are not treated with necessary medications, etc.

Both Reports recommend many interventions to address these large numbers of people in Nebraska without mental health treatment and care. Gage states: “It is important to move from a crisis driven system to a proactive and preventive system to the maximum possible”.

TriWest Health & Human Service Evaluation & Consulting. (2015). *Omaha Adult Behavioral Health System Assessment*. Funded by Behavioral Health Support Foundation, Omaha, NE.

Gage, Bruce. (2016). *Mental Health Consultation* for Director Scott Frakes, Nebraska Department of Correctional Services.

### **Promoting Environmental Sustainability**

**Carbon Fee and Dividend:** *Yes, or no, do you support the concept of a carbon fee and dividend that is revenue neutral to address climate change? If yes, why do you support this policy and if not, what policies do you suggest to address climate change?*

**Joining the Climate Solutions Caucus:** *Yes, or no, will you work to find a partner from the other party to join the Climate Solutions Caucus and work to address this important issue through bipartisan legislation?*

**Carbon Fee and Dividend:** The OTOC Environmental Sustainability Action team is investigating and evaluating its views on policies to address climate change at the national level. A specific policy we are evaluating is a Carbon Fee and dividend.

A Carbon Fee and Dividend policy is a proposal for a national, revenue-neutral system. This system would place a predictable, steadily rising fee on the polluting emissions causing climate change. The sum of the fees collected from businesses for such pollution would be returned to American households through monthly payments. The benefit of this policy would be to make polluting fuels causing climate change cost more than they do today. Higher costs would encourage less use of these polluting types of energy. To avoid negatively impacting American households and especially our low-income community with these higher costs, a dividend would be paid to all households to offset increased costs.

Many leading climate scientists and economists support a revenue neutral Carbon Fee & Dividend to address the urgent issue of climate change.

**Climate Solutions Caucus:** The bi-partisan caucus was founded in February of 2016 by two South-Florida representatives Rep. Carlos Curbelo (R-FL) and Rep. Ted Deutch (D-FL) who were concerned, among other climate issues, about the rising ocean levels that are affecting the Florida coastline. They serve as the caucus’ co-chairs. The purpose of the caucus is to educate House members on the economic options of reducing the risks of climate change. Members join the caucus as a bi-partisan pair.

There are twenty Representatives from these states are included in the Climate Solutions Caucus: Florida, New York, California, Pennsylvania, Maryland, Illinois, Massachusetts, Vermont, Connecticut, Oregon and Nevada.