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Mr. Tanenbaum

Refugees Immigration (-)

# The American Jewish Committee

Institute of Human Relations · 165 East 56 Street, New York, N.Y. 10022 · 212/751-4000 · Cable Wishcom, N.Y.

April 29, 1982

To: Members of the Committee on Immigration Policy

Join us during AJC's 76th Annual Meeting
when we open discussion about

THE CASE FOR & AGAINST AN EMPLOYER SANCTIONS/I.D.SYSTEM

Friday, May 14th 2:30 p.m.

Grand Hyatt Hotel, New York City

Proposals that the United States adopt an employer sanctions and worker identification system as a means of deterring illegal immigration have emerged as one of the most controversial features of legislation currently before the U.S. Congress.

During the past six months, AJC members have engaged in a vigorous debate about what position we, as a key human relations organization interested in immigration issues, should take on this issue. Given divergent views expressed by our Committee and by a number of our Chapters around the country, the Board of Governors has decided to set aside time during the Annual Meeting for the membership to participate in this discussion and to aid in formulating AJC's policy.

In preparation for this discussion, I am sure that you will find the minutes of our March 17 Immigration Committee meeting, along with its accompanying enclosures, to be informative.

Also enclosed is a copy of Congressional testimony that AJC presented earlier this month concerning the proposed Immigration Reform and Control Act of 1982.

I look forward to seeing you in New York during the Annual Meeting.

Lester S. Hyman

Lester S. Hyman, Chair
Immigration Policy Committee

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COMMITTEE ON IMMIGRATION POLICY

Wednesday, March 17, 1982
Institute of Human Relations -- 800B

Lester S. Hyman, Chair

# A G E N D A

I. Reports

A. Response from U. S. Attorney General (copy attached)

B. Haitian Refugees: N.Y.C. Detention Center (materials attached)

II. Salvadoran Refugees: UNHCR Report (attached)

III. Employer Sanctions: Chapter Responses (report attached)

IV. Report: Leadership Conference on Civil Rights Statement re Haitian refugees

AS/ea
att.

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AMERICAN JEWISH ARCHIVES

RECEIVED FEB 1 1 1982

# Office of the Attorney General
Washington, D.C. 20530

February 9, 1982

Mr. Lester Hyman, Chairman
National Committee on Immigration Policy
The American Jewish Committee
2027 Massachusetts Avenue, N.W.
Washington, D. C. 20036

AMERICAN JEWISH ARCHIVES

Dear Mr. Hyman:

Thank you very much for your letter of January 26 concerning the Administration's Omnibus Immigration Control Act. I very much appreciate your continued interest in immigration reform and your taking the time to share with me your views concerning the Administration's proposals.

Concerning your particular comments on the Administration's proposals, I am gratified that you share our view as to the need to reform the procedures governing exclusion and asylum determinations. As you know, the Administration recommended that a body of specialized asylum officers be created within the Justice Department for the purpose of promptly and fairly adjudicating asylum claims. The officers' decisions could, in turn, be appealed administratively. As you say, this system will offer prompt adjudication without the lengthy administrative and judicial appeals procedures which are now provided. Regarding the emergency authorities that are created by the proposed Act, you raise some legitimate concerns as to their breadth and clarity. These are issues that the Administration looks forward to revisiting as the proposed legislation is considered by the Congress, and I am most grateful to have your views concerning them.

I sincerely hope that comprehensive immigration reform legislation will be enacted by the Congress during this session. To that end, I strongly urge that you and The American Jewish Committee continue your thoughtful involvement in the ongoing public debate of these serious matters.

Sincerely,

William French Smith
Attorney General

**THE AMERICAN JEWISH COMMITTEE**

memorandum

**date** March 5, 1982

**to** Gary Rubin

**from** Sam Rabinove

**subject** Detained Haitians

As a member of the Immigration Subcommittee of the New York Advisory Committee to the U.S. Civil Rights Commission, I participated yesterday in a visit to the Immigration and Naturalization Service detention center at the Brooklyn Navy Yard. It was a wrenching experience.

For the past seven months, 68 Haitian "boat people" have been imprisoned because they are here unlawfully and are engaged in a legal battle for political asylum. (A related suit, which seeks to get them "paroled" to sponsors pending final disposition of their status, is awaiting decision in U.S. District Court in Manhattan.) Thirteen of the original group gave up and agreed to be deported to Haiti. As we learned through a Creole interpreter (a Haitian student at Brooklyn College), the remaining Haitians are unanimous in saying that they are afraid to return to Haiti because they believe they will be killed if they do. (While the Haitian government is certainly capable of any brutality, it is my impression that the detainees have been "coached" to say this.)

Even as a prison, the detention center leaves much to be desired. Although it is clean, it is also dilapidated and dreary-looking. There is no outdoor recreation area whatsoever. There is a small "gym" for the men, but nothing for the women. There are sitting rooms with television, ping pong tables, vending machines and telephones. Other than to help with the meals that are brought in for them, there is no work for them to do. For the women there is an "arts and crafts" program (but they are not allowed any needles because they might be used as weapons). There are ESL (English as a second language) one-hour classes for them three times a week, which they all attend. There are also movie nights, religious services, and visits from their lawyers and from Haitian relatives and friends. The food is adequate, but they are unhappy with it because it is not prepared in the style to which they are accustomed. Most of them spend much of each day lying around in their double-decker bunks. (I saw two men lying together in one bunk in the men's dorm, and two women doing the same in the women's dorm.) Many of them seem to be demoralized. Though there is so little to do, most of them wear wrist watches. None has a criminal record, as far as can be ascertained. Men and women are separated in all their activities except for an occasional "social", where they are under constant observation. (Several women had been "paroled" previously to relatives because they were pregnant.) Privacy is non-existent.

The assistant warden who showed us around was fully cooperative and did not try to conceal anything. He seemed genuinely sympathetic to his charges and gave the impression that he was trying to help them make the best of a bad situation. (His budget has not been cut.) We were permitted to converse freely with any of the people there, outside of the warden's hearing. The people seemed very willing to talk freely.

One gets the impression that the Haitians here are people who are no strangers to privation. In spite of the cumulative indignities of their predicament, what came through was their quiet dignity and determination. Certainly a strong case can be made for "paroling" them until their status is resolved, as well as for expediting the resolution of their individual claims.

SR:lk
cc: Lester S. Hyman, Esq.
Irving Levine
Seymour Samet
Adam Simms

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, SECOND SESSION

*Vol. 128* WASHINGTON, THURSDAY, FEBRUARY 11, 1982 *No. 12*

## *Senate*



### UNITED NATIONS REPORT ON U.S. TREATMENT OF SALVADORAN REFUGEES

Mr. KENNEDY. Mr. President, for many months I have been concerned, as I know many Americans and Members of Congress have been, over the growing problem of refugees fleeing the escalating violence in El Salvador—especially those Salvadorans who have reached the United States or who are already here.

Despite strong representations from many quarters, including representatives of the U.N. High Commissioner for Refugees, the administration has closed our doors to those Salvadorans who do not want to return to their country during this time of violence and spreading conflict. This administration has willfully ignored past practice and has set about upon a policy to deny asylum or temporary safe haven to any Salvadoran.

The evidence in this regard has been painfully clear for many months—since I wrote to Secretary of State Haig last April 6 and the Department's response during hearings of the Subcommittee on Immigration and Refugee Policy in July. Throughout, the administration has refused to acknowledge the severity of conditions in El Salvador and they have denied claims of asylum or granting of extended voluntary departure.

The latter is contrary to the past practices of both Republican and Democratic administrations. During the worst days of the Lebanese and Nicaraguan conflicts, the United States temporarily adopted a number of special immigration measures to deal with nationals from those countries who were in the United States, or who reached our borders, to grant them safe haven through extended stays of voluntary departure.

To date, Mr. President, the United States has granted only one Salvadoran asylum in the United States out of nearly 2,000 who have applied, and we have refused to grant any extended voluntary departure.

Not surprisingly, this record of indifference toward the plight of Salvadorans has come to the attention of the Office of the U.N. High Commissioner for Refugees. Representatives from the Washington liaison office made an extensive tour last October throughout the Southwest, reviewing the INS treatment of Salvadorans.

Their report became available recently and, quite frankly, it is an extraordinarily discouraging one for those of us who have noted with pride America's uninterrupted tradition of welcoming and assisting refugees.

The UNHCR Mission recommends that—

> UNHCR should continue to express its concern to the U.S Government that its apparent failure to grant asylum to any significant number of Salvadorans, coupled with continuing large-scale forcible and voluntary return to El Salvador, would appear to represent a negation of its responsibilities assumed upon its adherence to the Protocol.

Mr. President, what I find particularly distressing is that this is the first time in my memory that officials of the UNHCR have ever found it necessary to suggest the United States is failing to fulfill its international obligations toward refugees.

It is unconscionable and without precedent. We have never, ever, under Democratic or Republican administrations, allowed such questions to arise.

Mr. President, I commend the staff of the UNHCR for fulfilling their responsibilities and for bringing the United States to account. I, for one, deeply regret that they found it necessary to do so.

For the information of the Senate, I wish to share the text of their report's findings and recommendations. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES MISSION TO MONITOR INS ASYLUM PROCESSING OF SALVADORAN ILLEGAL ENTRANTS—SEPTEMBER 13-18, 1981

SUMMARY OF FINDINGS

1. Large numbers of Salvadorans continue to enter the U.S. illegally on a regular basis and this was seen to have a direct causal relationship with the internal strife in El Salvador.

2. The physical conditions under which the Salvadorans we saw were being held were, by and large, satisfactory.

3. Though in theory any Salvadoran illegal entrant may apply for asylum, there appears to be a systematic practice designed to secure the return of Salvadorans, irrespective of the merits of their asylum claims. Hence the overwhelming majority of those returning are doing so "voluntarily" without apparently being freely advised of their asylum rights.

4. According to INS Headquarters, during Fiscal Year 1981 (Oct. 80-Sept. 81) only one Salvadoran was granted asylum in the U.S. and none had been allowed to stay temporarily in the country for humanitarian reasons.

5. This would appear to be the result of a deliberate policy established by the U.S. authorities in Washington and not the result of individual INS judgement in the field.

RECOMMENDATION

Recommend that UNHCR should continue to express its concern to the U.S. Government that its apparent failure to grant asylum to any significant number of Salvadorans, coupled with continuing large-scale forcible and voluntary return to El Salvador, would appear to represent a negation of its responsibilities assumed upon its adherence to the Protocol.

INTEROFFICE MEMORANDUM

To: Mr. M. P. Moussalli, Director of Protection, UNHCR Geneva.

From: K. Kalumiya, Legal Officer, and N. Tamayo, Washington Liaison Office.

Subject: Report on the Situation of Salvadoran refugees in the U.S.

OCTOBER 16, 1981

I. The purpose of this report is to provide the findings of the recent UNHCR mission to California, Arizona and Texas to assess the general situation of Salvadoran asylum seekers and the treatment of those presently being held in various detention facilities in the United States.

II. Introduction:

A. Participants and objectives.—Kallu Kalumiya, Legal Officer of the Washington Liaison Office, and Nina Tamayo, who is fluent in Spanish, represented the Office on this mission. The objectives of our trip were to gather first-hand information about the situation of the Salvadoran asylum seekers who enter illegally into the United States, and to visit the major detention facilities in the western and southwestern states where Salvadorans are being held in order to observe their condition and INS processing of their asylum applications.

Traditionally, large numbers of illegal entrants from Latin America, including El Salvador, have come to the United States seeking either better economic opportunities or in search of refuge from the constant political instability and violence common to many nations in that part of the Western Hemisphere. During the last two years in particular, there has been a remarkable increase in the numbers of Salvadorans entering the United States illegally across the Mexican border.

B. Itinerary.—We visited three of the States with the largest concentrations of Salvadorans in the U.S. i.e. California, Texas and Arizona, all of which, with New Mexico, share a common border with Mexico. We also visited two of the three major INS detention facilities for Salvadorans—El Paso and Harlingen in Texas. Although we did not visit El Centro in southern California—the other principal detention facility for Salvadorans, we saw two smaller detention facilities located in Los Angeles and in its satellite city, Pasadena. (There are two other large INS detention facilities with a few Salvadorans that we did not visit i.e. Krome North near Miami and Brooklyn in New York City). In addition, our visit to Tucson, where there is a major legal aid office that assists many Salvadorans in applying for asylum, enabled us to meet with a number of Salvadorans, some of whom had been held at El Centro, and who provided us with some useful insights into the situation there. A copy of the mission's itinerary is attached for your information (see Annexes A and B).

III. Major sources of information contacted:

During the mission, information concerning the situation of the Salvadorans was sought from three primary sources: (a) officials of the Immigration and Naturalization Service (INS), (b) attorneys and other concerned groups, and (c) the Salvadoran refugees themselves.

A. In Los Angeles, El Paso and Harlingen, where INS has district offices, we met with the respective district directors who, without exception, received us most cordially and provided necessary transportation arrangements to the detention facilities. We had extensive talks with INS officials in those districts and they provided us with the basic information and statistical data concerning Salvadorans under their respective jurisdictions. We also sat-in on some exclusion/deportation and bond-reduction hearings before INS immigration judges in Los Angeles and El Paso.

B. Meetings were also held with interested groups and individuals that are active in the legal defense of refugees, namely "El Rescate" in Los Angeles, the United States Catholic Conference (USSC) in El Paso, private attorneys in Harlingen, and the Manzo Area Council in Tucson, which has been active in getting bond money for Salvadorans held in El Centro. Two private attorneys from San Francisco also arranged to meet with us at the Los Angeles Airport concerning Salvadoran individual cases. In Los Angeles, we had lunch with Mrs. Laurie Becklund, a journalist with the Los Angeles Times, who shared with us some of her extensive knowledge on the subject.

C. At the facilities in Pasadena, El Paso, and Harlingen, we interviewed a number of Salvadorans with a view to determining their principal reasons for leaving their country, the reasons they did not stay in any other Central American country, the basis for their fear of persecution upon return to El Salvador, and why so many of them were opting for "voluntary departure" and so few applying for asylum, in view of the general climate of violence in El Salvador.

IV. Findings:

A. Numbers Entering.—The actual number of Salvadorans entering the U.S. each month is not known. It is estimated by INS that for each one Salvadoran apprehended, four get in undetected. INS officials acknowledged that while there had been a long history of illegal immigration from El Salvador over the years, the numbers of Salvadorans seeking to enter the U.S. has dramatically increased recently. As Mr. Giuni, the INS district director in El Paso, put it "we had no Salvadoran problem in this area

two years ago." This view was echoed in both Los Angeles and Harlingen. INS figures of Salvadorans encountered over a four and a half year period in the El Paso district area appear to support this view:

| | |
|---|---|
| Fiscal year 1977 | 107 |
| Fiscal year 1978 | 181 |
| Fiscal year 1979 | 274 |
| Fiscal year 1980 | 606 |
| Fiscal year 1981 | 292 |

The monthly average number of undocumented Salvadorans apprehended by INS country-wide during 1980 and early 1981 was approximately 1,000, making it a total annual average of about 12,000. Many of the entrants were brought in from Mexico by smugglers who specializes in this business, known as "coyotes".

B. Numbers Detained.—Upon arrest for illegal entry by INS Border Patrol, aliens are transported to the nearest INS detention facility. There they are held pending their deportation or voluntary departure. The number of Salvadorans currently detained in the U.S. is probably between 400-500. As of September 81, following were the numbers being detained at the following centers:

| | |
|---|---|
| El Centro | 159 |
| Pasadena | 50 |
| El Paso | 75 |
| Harlingen | 89 |

The turn-over rate is quite high as each month several hundreds are returned to El Salvador. The figures of those returned during 1980-81 from some of the major detention facilities are given below on page 16.

The legal basis for detaining undocumented entrants is Sec. 242 (a) of the Immigration & Nationality Act (INA) which provides that "pending a determination of deportability in the case of (illegal) aliens . . . such alien may . . . be arrested and taken into custody".

V. Conditions inside detention facilities:

A. Pasadena and Los Angeles.—The Pasadena detention center is located about 20 miles from Los Angeles and is a two-story building that was formerly a convalescent home. It is located on a major intersection near downtown Pasadena surrounded by palm trees and has no visible signs to indicae it is a detention facility. Presently used by the INS mainly for women and children, it is now a privately operated facility that houses about 40-50 entrants. The cost of operating the facility for the INS is about $40,000 per month. Its general conditions are satisfactory: the living quarters are divided into male and female areas, though there are common areas for recreation, a lounge area with a television set, card tables, and a garden area. The living quarters are clean, spacious and have sufficient light. The detainees are provided with clothes, if necessary, and are given sheets and towels. They have meals three times a day and the menu is varied. The refugees also have access to a pay-telephone where they can place telephone calls though they cannot receive any. Though we heard no major complaints from the refugees about their living conditions, they did express frustration about not being able to receive telephone calls and not being able to receive visits from their family members.

There are approximately 40-50 persons who are processed daily for deportion at the Los Angeles facility. This is a day facility located in the basement of the INS building in downtown Los Angeles. It is generally used for refugees who have been transferred from either Pasedena or El Centro for processing prior to deportation or voluntary departure. The refugees are expected to stay there no more than one day until the immigration officials have completed the paperwork on their cases. A list of free legal services is distributed to the refugees and those who wish to return voluntarily are asked to fill out the "voluntary departure" form, written in Spanish and English, (see Annex C), while those who wish to apply for asylum are advised to consult any of the legal aid offices in the area. There is a pay-telephone available to the refugees, as well as sound-proof booths for consultations with their attorneys.

B. El Paso.—The facility at El Paso is located approximately 10 miles from downtown El Paso adjoining the international airport, close to the Mexican border. It consists of several small buildings that house male illegal entrants of diverse origins, such as Mexico, El Salvador, Guatemala, Colombia, Nicaragua, Bahamas, Cuba, etc. It can accommodate up to 300 persons. According to the INS district director, the largest number of illegal entrants, after Mexicans, are Salvadorans.

The facility is guarded and surrounded by barbed wire though there was no perceptable climate of tension between the immigration authorities and the detainees. The living quarters are spacious and clean, and each room has a color television set and is air conditioned. The INS provides clothing, soap and towels to the detainees. Both the living and shower areas are cleaned daily by a group of detainees who are hired to work for $1 per day. The detainees are required to remain outdoors during the day in an outside courtyard and have few recreation facilities.

C. Harlingen.—The detention facility at Harlingen is located about 50 miles from the town of Harlingen, Texas (pop. 50,000) near the US/Mexican border. About 10 miles from the detention center, there is a thriving tourist resort area on the Mexican Gulf. This is in sharp contrast to the total isolation of the facility itself where only small government-owned houses for the immigration officials stationed at Harlingen surround the area.

The detention center was formerly used as a U.S. Navy facility and was handed over to the INS in the early 60's. It is presently in the process of being rebuilt. A new two-story brick building, recreation grounds and large water treatment plant stand next to the present structure of small concrete buildings. Once completed, Harlingen will become the largest of the three INS facilities.

The facility now houses 236 male detainees. Of these, at mid-September, 89 were Salvadorans. Women are detained in the county jail together with other female inmates, and children are held in juvenile centers. According to the INS district director in Harlingen, the number of Salvadoran women detainees is very small.

The living quarters at Harlingen are crowded with bunk beds and the windows are closed off with wood and fence wire. The bed mattresses are worn and dirty. Ventilation is poor and there is no air conditioning, which is clearly uncomfortable in the hot and torrid summer climate of this region. The living quarters and the dining hall each have a television set which, is turned on in the evening.

The detainees spend their day idling outdoors in a guarded courtyard where there are no recreation facilities. The INS provides some of them with discarded U.S. military uniforms when clothes are needed. The courtyard is surrounded by a barbed wire fence and a uniformed security guard patrols the area from a watch tower.

According to the INS district director, a medical doctor regularly visits the center and a nurse is permanently stationed at the facility. Each detainee is given a medical examination on arrival.

D. El Centro.—Though we did not visit the detention facility at El Centro, we were informed by the INS and private law groups that it is located in a desert about 100 miles from San Diego, California. According to INS, the total number of Salvadorans detained there as of 21 September 1981 was 159. Of these, only 3 had applied for political asylum. Individual groups, i.e. "El Rescate" and Manzo Area Council described the conditions at El Centro as being "substandard". They all pointed out that the facility is isolated and the detainees do not receive adequate legal assistance. They also mentioned a lack of hygiene at the facility and the hot weather which in some cases caused skin and kidney problems. However, the USCC director in El Paso who had recently visited El Centro, mentioned that the facilities' conditions there were substantially the same as those in the El Paso detention facility. That, if correct, would mean that the conditions are basically satisfactory with respect to the living quarters.

E. Level of Bonds.—Art. 242(a) of INA, which provides INS with the statutory basis for detaining undocumented aliens pending the administrative determination of their deportability, also provides that any such detained alien may instead "be released under bond in the amount of not less than $500. . . " or "alternatively . . . be released on conditional parole". No Salvadoran illegal entrant to our knowledge has been released on conditional parole.

The level of bonds for Salvadoran detainees is very high: it is generally set at US$5,000 country wide. We were given to understand by attorneys of "El Rescate" in Los Angeles that, until a few months ago, bonds for Salvadorans had generally been set at US$1,000 in previous years. For those Salvadorans suspected of having been smuggled into the country, the bonds are set even higher—at US$10,000—because they are usually needed later as material witnesses against the alleged "coyotes". Bonds are set on an individual basis, even for members of one family, including minors. That means for instance that a husband and wife with three young children may be required to produce at least $25,000 before they can be released from custody. Some church groups have been active in raising bond money for Salvadorans. One such group is the Manzo Area Council in Tucson which has been responsible for securing the release of about 130 Salvadorans from the El Centro detention center, even though it is located in a different state. This group has been able in the past few months to raise some $40,000 in cash for premium payment to bondsmen and some $180,000 as collateral.

However, applications for bond reductions can be made to INS immigration judges, and in most cases, are reduced to around US$2,000. In Los Angeles, we had the opportunity to sit in at some of the bond reduction hearings involving Salvadorans.

According to some groups we talked to, even those Salvadorans who voluntarily present themselves to the authorities seeking to apply for asylum have been asked to pay bond or be detained. Naturally this must discourage many others who are illegally present, but would otherwise like to show good cause for their illegal entry.

F. Work authorization.—According to the INS district directors in Los Angeles, El Paso and Harlingen, entrants who file for political asylum and who are released on bond are eligible to apply for work permits and such applications were generally granted for an initial six month period and are renewable, if necessary. The figures provided by the INS in El Paso indicate that to

date 100 Salvadorans were given permission to work. However, according to information from attorneys of El Rescate in Los Angeles and the Manzo Area Council in Tucson, asylum applicants are being systematically denied work permits by the INS. A Salvadoran refugee we interviewed in Los Angeles and who had been released on bond from El Centro informed us that he had been denied permission to work. This is a further disincentive to those who have successfully effected illegal entry from seeking asylum.

G. Views of detainees regarding their condition.—

1. Most of the refugees interviewed at the facilites did not express complaints about their living conditions, though some of those interviewed who were free on bond did speak of the harsh living conditions in the centers, particularly at El Centro. One refugee free on bond in Los Angeles told of the extreme heat they had to endure outdoors from 6 a.m. to 7 p.m. in El Centro. He also spoke of a skin disease epidemic and the poor hygienic conditions. Some of the Salvadorans in detention in Harlingen said that they would prefer returning to El Salvador, even if this meant facing death, to being forced to remain in detention in the United States. Many said that they had never experienced detention in their country. Others were anxious about the harsh economic situation in which they had left their families behind in El Salvador, expecting they would get work in the U.S. and be able to send them money.

2. Detention has also meant temporarily breaking up the families of illegal entrants. Families are routinely sparated for dention purposes since males and females have to be held in separate facilities which very often are far removed. It appears that no visitation rights are usually permitted, except where a family member is sick.

H. Asylum Processing.—There were two notable features of asylum processing for Salvadoran entrants in the U.S: 1) only a tiny proportion of those who made it to the U.S. sought to apply for asylum, and 2) there was not a single reported case where asylum had been granted.

The following figures are illustrative of the situation: During FY 81, the numbers of Salvadorans applying for asylum were are follows:

| | |
|---|---|
| Los Angeles | [1] 1,439 |
| El Centro | 3 |
| El Paso | 34 |
| Harlingen | 34 |
| Total | 1,510 |

[1] This relatively high figure reflects a number of asylum applications that were transferred to Los Angeles from other INS districts e.g. El Paso, because it is an area most Salvadoran out of detention choose to reside.

Those Salvadorans without U.S. visas applying for asylum at the Mexican-U.S. border are normally required by INS Border Patrol to remain in Mexico pending the outcome of their applications. This again is another disincentive from seeking asylum rather than try to enter illegally.

1. The Border Patrol.—This is the armed police force INS and is the first governmental agency that is normally encountered by Salvadorans coming into the U.S. from Mexico. Its principal function is to enforce US immigration laws by stopping illegal entry. Its mentality, like that of any policing agency, is one of tough and effective law enforcement. According to INS District Directors, we spoke with, the Border Patrol has instructions to assist Salvadoran illegal entrants who seek to apply for asylum by providing then with all the required information in this subject.

However, this would seem to contradict some of the information provided both by the lawyers assisting Salvadoran asylum applicants and what some of the refugees themselves informed us concerning the Border Patrol. According to these sources, the Border Patrol does not explain the detainee's right to seek asylum. A refugee we interviewed in Tucson indicated that he was given no explanation of his right by the Border Patrol and was immediately transported to El Centro for detention.

2. Role of INS District Directors and Immigration Judges.—An alien seeking asylum in the U.S. has two options: he may apply for asylum before the local INS District Director (DD), or he may raise his claim for asylum during a deportation hearing before an INS immigration judge, as a claim for discretionary relief. However, as one federal court judge recently observed, the application to the DD is "the alien's primary means of asylum. It is something he can initiate."

Under normal asylum processing therefore, it is the local INS district director who makes the initial determination, after consulting with State Department, whether or not a particular applicant is eligible for asylum. This way, if granted asylum by the DD, the asylum application will prevent the alien from having to undergo the rigors of deportation proceedings. Those denied asylum then go before an INS immigration judge to "show cause" why they should not be deported. They may then renew their asylum claims before the immigration judge, who must then consider each asylum claim do novo, while deportation is stayed.

For Salvadoran asylum seekers, this procedure has been in many instances abridged, cutting out the entire initial stage in asylum processing, i.e. determination of asylum and eligibility by the INS district director. What is happening is roughly as follows: Salvadoran illegal entrants who get arrested by the Border Patrol are immediately taken into detention and soon thereafter, if they have not opted for "voluntary departure", are brought before an INS immigration judge for deportation proceedings. It is at this stage in the context of deportation proceedings that those who wish to apply for asylum may do so. The immigration judge than requests for advisory opinion from the State Department before making a determination on their eligibility for asylum. It appears that only those Salvadorans who initially entered the U.S. legally i.e. with a visa, and then later ask for asylum, have their cases handled from the start by the district director.

Based on the few hearings we witnessed, our impression is that the proceedings were carried out in a pro forma and perfunctory manner designed to expedite the cases as quickly as possible and that the detainees were not given an effective opportunity to adequately present their cases and show good cause for their illegal entry or presence. However, among the INS immigration judges, Judge Barrett was singled out by "El Rescate" for his fairness in handling Salvadoran asylum applications in El Centro.

This means therefore that all undocumented Salvadorans, like Mexicans, are presumed to be illegal immigrants and therefore deportable, without taking into consideration the political conditions currently occuring in their homeland. Accordingly, they have to undergo deportation proceedings before they are accorded the opportunity to apply for asylum.

3. Access to counsel.—Since most Salvadoran refugees arrive without money, they cannot afford to hire lawyers to advise them as to their rights. The INS gives them a list of legal aid offices in the area which may give them advice as to their rights to apply for political asylum. However, in Los Angeles, the attorneys of "El Rescate" claim that the INS does not explain to the refugees their right to apply for asylum, and they contend that the refugees are given the "voluntary departure" form without due explanation of their rights to counsel. Furthermore, they say that the list of legal aid offices the INS provides in the Los Angeles district is outdated and some offices, like "El Rescate", has been deliberately excluded from the list.

In El Paso, the USCC which has one lawyer handles approximately 50 Salvadoran asylum cases per month. The attorney is called by the INS to counsel the Salvadorans of their right to seek asylum and visits the detention facility twice a week. USCC's experience with the local INS district office has been good, and they consider that the source of the problem of asylum is principally one of national policy, rather than individual INS officials.

In Harlingen, the USCC is the only agency offering free legal aid. However, it does not take on any Salvadoran cases because its main concern is to handle illegal Mexican cases. The list of legal aid offices that is distributed in Harlingen includes attorneys in major cities in Texas, though none in Harlingen itself. The only group handling Salvadoran asylum claims in Harlingen are private attorneys Brodyaga & Garcia who offer free legal services only to a limited number of Salvadorans. They are currently representing about 25 Salvadoran asylum claims in Harlingen.

VI. Voluntary Departure and Deportations:

A. Over 90% of Salvadoran entrants in the U.S. return "voluntarily". It is estimated that in El Paso, which we thought had some of the more enlightened INS officials that we met on this mission, the rate of voluntary return is about 60%. In Harlingen, Texas, which has one of the highest rates of "voluntary returnees" (over 90%), during FY 81 (Oct. 80-Aug. 81) there was a total of about 2,700 Salvadorans sent back. Of these only 700 were "deportees", the rest being "volunteers". The numbers returned to El Salvador on a monthly basis were as follows:

| | Los Angeles | El Paso | Harlingen | El Centro |
|---|---|---|---|---|
| October 1980 | NA | NA | 220 | NA |
| November 1980 | NA | NA | 177 | NA |
| December 1980 | NA | NA | 113 | NA |
| January 1981 | NA | NA | 184 | 177 |
| February 1981 | NA | NA | 144 | 69 |
| March 1981 | NA | NA | 357 | 102 |
| April 1981 | 435 | NA | 448 | 114 |
| May 1981 | 366 | NA | 405 | NA |
| June 1981 | 309 | NA | 218 | 129 |
| July 1981 | 351 | 76 | 210 | 118 |
| August 1981 | 351 | 55 | 206 | NA |
| September 1981 | 351 | 47 | NA | NA |
| Total | 1,461 | 178 | 2,682 | 709 |
| Grand Total [1] | | | | 5,030 |

[1] This is under one-half the total number admitted by INS to have returned to El Salvador during this period.

NA = Not available.

B. The reasons for this rather anomalous situation are complex and varied:

1. According to the INS, the majority of illegal Salvadorans decide freely to return voluntarily to their country of origin. Our observation to this statement was that it appeared contradictory for Salvadorans to have made such a long journey and then decide so quickly to return voluntarily once in the United States. One of the INS district directors agreed that this was a paradox. He also added that the duration of detention, from six to eight months, possibly deterred some of them from seeking asylum.

2. For many private attorneys, however, the reasons for large numbers of voluntary departures are quite different. In their ex-

perience, they said the refugees are detained at the border and given a "voluntary departure" form to sign without any explanation with respect to their rights to asylum. They allege a lot of psychological pressure is brought to bear on Salvadorans to opt for voluntary departure. They reported that they usually reach the Salvadorans after they have signed the "voluntary departure form" and that, up to this point, the detainees have no knowledge that they can retract from their signed "voluntary departure" statement. For them, the INS' general attitude is to expedite the return of all "illegals" to their countries of origin at a minimum cost to U.S. government, while at the same time to process asylum applications at a slow and deliberate pace. Accordingly at every stage, "illegals" are encouraged to return "voluntarily", and for those who cannot afford an airline ticket, INS pays for them, even though technically they are not deportees.

3. In our view, most Salvadorans entering the U.S. do not seem to know that they have a right to apply for asylum. It also appears that the Border Patrol treats Salvadorans just like other "illegals", e.g. Mexicans, and rarely advises them of the possibility of seeking asylum. However, all illegals are immediately advised by Border Patrol officers of the option of "voluntary departure" and those who want to exercise the option are then asked to sign a voluntary departure form signifying their consent. We understand that such consent may be revoked at any time before embarkation for the return journey, and that many Salvadorans have done precisely that after becoming aware that they may seek asylum. On the other hand, many Salvadorans who we spoke to and who had opted for voluntary departure said they preferred to return home, rather than sit in detention indefinitely while their asylum applications were being considered. As one of them put it, "we would rather go back home and die", or in the words of another, "go back and try entering the U.S. again and with luck make it next time". Our impression is that another reason for voluntary return is that many Salvadoran asylum seekers cannot raise the required bond money to secure their release from detention—especially in view of the new INS policy not to grant work authorization to "illegals."

C. Forcible return of minors.—Private groups in the Los Angeles area reported many cases of forcible return of Salvadoran unaccompanied minors. The attorneys at "El Rescate" alleged that minors were taken into custody and given the same treatment as adults, i.e. INS asks them to sign "voluntary departure" forms or face deportation proceedings. They are presently representing 10 documented unaccompanied minors that are subject to deportation. They are also in the process of filing a complaint that seeks to have INS give every refugee minor the opportunity to meet with an attorney before being returned to El Salvador. According to INS, on the other hand, minors are set free on bond when there are relatives in the U.S. that can claim them. Those without relatives, INS admits, are generally returned to their country.

D. Role of the Mexican Government.—The INS Border Patrol has instructions to return immediately Salvadoran entrants who have valid entry visas to Mexico on encounter, whether or not they seek asylum. However, if entrants have no valid visa for Mexico, they are allowed into the U.S. and are detained. According to "El Rescate" and the Manzo Area Council, there are no guarantees for refugees who are returned to Mexico that they will not be forcibly deported to El Salvador. They expressed concern that there might be a secret agreement between the immigration authorities of both countries to return the Salvadorans to their country of origin. Salvadorans we interviewed, who had spent some time in Mexico, spoke of harassment suffered by them from Mexican immigration officials.

VII, Possible fate upon return to El Salvador:

The INS indicated it had no means of checking on the fate of the Salvadorans who return to El Salvador. They said they depend on State Department's diplomatic channels for their information as to the situation in El Salvador, and it was their understanding that returnees were not being persecuted.

The refugees themselves were not sure of their probable fate upon return to El Salvador, but most of them believed that the fact of having sought refuge abroad made them more vulnerable to persecution and harassment. As INS makes travel arrangements for deportation and voluntary departure in conjunction with the Salvadoran consular authorities in the United States, some refugees expressed fear that since their names are known to the Salvadoran authorities, they may be in danger of persecution by the government on arrival. Though the private agencies could not provide concrete evidence of persecution of returnees, they contended that such persons' lives were in danger not only because of the fact of a civil war situation there, but also because their stay abroad made them suspect to both sides in the civil war. Since our return, we have received a letter mailed in El Salvador from one of the refugees we interviewed before his return there. Although nothing serious seems to have happened to him since getting back, he expressed fear for his safety and requested resettlement in Canada.

VIII. Conclusions:

We would, in conclusion, like to make the following comments:

A. All the INS District Directors and other officials we met were extremely courteous and helpful to us—an indication of the respect they hold for our agency.

B. The influx of Salvadorans into the U.S. continues unabated. It is generally acknowledged by all parties concerned, including INS, that this influx, which became more pronounced during early 1980, has some causal relationship to the intensity of civil strife in El Salvador.

C. INS continues to deport or return hundreds of Salvadorans each month. It is evident that INS' general presumption is that the overwhelming majority of Salvadorans coming to the U.S. left their home for economic rather than political reasons and therefore do not qualify for asylum. That is basically why all undocumented Salvadorans are taken before immigration judges for deportation proceedings without district director's initial determination as to their eligibility or non-eligibility for asylum. This is also why INS has adopted a tough enforcement policy which, in turn, acts as a disincentive for many Salvadorans to seek asylum in the U.S.—a lengthy and expensive process. It is this combination of factors—detention, high bonds, non-work authorization, lengthy wait for asylum claims adjudication, and lack of proper counsel that has led a disproportionately large number of Salvadorans to opt for voluntary return.

D. Many of the Salvadorans we spoke to, on being asked why they had travelled to the U.S., usually responded that they had come in search of job or education opportunities. However, when we inquired further as to whether they would still have come to the U.S. if there were no on-gong civil conflict in their country, all without exception responded that they would obviously have had no cause to leave since there would have been jobs for them at home and universities would have stayed open. Yet some others spoke simply of the climate of violence and death that had compelled them to flee their homeland.

E. Although INS officials privately recognize that there is a civil war situation in El Salvador, they assert this is not enough to justify grant of asylum on individual basis. Accordingly, not a single Salvadoran case in the INS districts we visited had been granted asylum. We pointed to the district directors we met that, besides asylum, there were other discretionary reliefs under U.S. law designed for this kind of situation e.g. (a) Deferred action—for those cases "where the district director determines that adverse (deportation) action would be unconscionable or result in undue hardship because of the existence of appealing humanitarian factors. . ."—(INS Operations Instructions (OI) 103-la(ii); (b) Stay of deportation—for those cases where there are "compelling humanitarian factors", (OI.243.3(a) and (c) Voluntary departure—for cases of "temporary inability to return to (one's country) on account of civil war or catastrophic circumstances" (OI. 242.10f(3)). We then inquired whether any Salvadoran had benefited from any of these reliefs. In all the districts we visited, we were told there was not one single beneficiary. This was because, as one INS director put, "we are following a policy laid for us from the top". It is, therefore, fair to conclude that there is a systematic practice designed to forecibly return Salvadorans, irrespective of the merits of their asylum claims. At the same time, it is equally fair to say the INS does not seem to be practicing a discriminatory program against Salvadorans. The unfortunate situation is that Salvadorans are being treated like all other illegal entrants without taking into account the conditions prevailing in their country.

F. Many Salvadorans we spoke to asked us what UNHCR could do for them in their situation. We informed them that UNHCR was most concerned at the prospect of their deportation back to their homeland, and that we had requested U.S. authorities to adopt more liveral asylum practices towards their group but were not very optimistic that such change was imminent. To those who asked about resettlement possibilities into Canada or other countries, we advised them to contact us directly in Washington. We would appreciate any comments HQs may have concerning the availability of resettlement opportunities anywhere for those deserving Salvadorans in the U.S. who fail to get asylum here and are threatened with expulsion.

G. One of the activist church groups we met with in Tucson was very much concerned about the role of the Mexican authorities and the expulsion of Salvadorans from the U.S. They allege that the U.S. routinely hands back to Mexican authorities many of the Salvadorans arrested at the border and Mexico, in turn, returns them to El Salvador. They also pointed out that the Western Airlines flights from Los Angeles to San Salvador carrying Salvadoran returnees normally stopped overnight in Mexico City. Accordingly, they suspected there was some secret understanding between the U.S. and Mexican authorities to co-operate in the expulsion of Salvadorans. We informed them that UNHCR was not aware that Mexico, acting either individually or in corroboration with the U.S., was itself sending back El Salvadoran asylum seekers—a policy that would seem incompatible with Mexico's well known position regarding the Salvadoran political situation. We promised, how-

ever, that our office in Mexico would look into these allegations.

IX. Recommendation:

Recommend that UNHCR continue to express its concern to the U.S. Government that its apparent failure to grant asylum to any significant number of Salvadorans, coupled with continuing large-scale forcible and voluntary return to El Salvador, would appear to represent a negation of its responsibilities assumed upon its adherence to the Protocol.

**Mr. KENNEDY. I also ask unanimous consent, Mr. President, that my earlier exchange of correspondence with the Department of State and the Immigration and Naturalization Service be printed at this point in the Record.**

**There being no objection, the correspondence was ordered to be printed in the Record, as follows:**

COMMITTEE ON THE JUDICIARY,
*Washington, D.C., April 6, 1981.*

Hon. ALEXANDER M. HAIG, Jr.,
*Secretary of State*
*Washington, D.C.*

DEAR AL: As you know, during the worst days of the Lebanese and Nicaraguan conflicts, the United States temporarily adopted a number of special immigration measures to deal with nationals from those countries who were in the United States on non-immigrant visas or outside seeking to visit or find temporary safe-haven here.

Basically, these measures involved the granting of stays of voluntary departure for Lebanese or Nicaraguans—with permission for them to work, if that was necessary under the circumstances—and adopting more flexible visa guidelines for those who had family or other ties in the United States. These special immigration measures helped countless hundreds of families, giving them safe-haven from the violence and conflict within their own countries.

At a hearing of the Subcommittee on Immigration and Refugee Policy last week, I raised this issue with the Acting Commissioner of the Immigration and Naturalization Service relative to El Salvadorans. I was particularly concerned over reports of large-scale deportations of Salvadorans. Given the escalating violence in El Salvador, I believe we must be vigilant that we are not unnecessarily endangering the lives of Salvadorans who understandably do not want to return to their country at this time.

Considering we adopted special immigration measures for the Lebanese in 1975-76, and for Nicaraguans two years ago, why has the Department of State failed to propose such action now relative to Salvadorans? Clearly, the Immigration Service must await a formal recommendation from the Department of State prior to initiating a policy of automatically granting stays of voluntary departure.

I have asked the Immigration and Naturalization Service to provide the Subcommittee with detailed information on the processing and deportation of Salvadorans, especially since January. In the meantime, I would appreciate receiving your views on this issue, and whether the Department is prepared to recommend to INS special immigration measures for Salvadorans in the United States or at our borders.

Sincerely,

EDWARD M. KENNEDY,
*Ranking Minority Member, Subcommittee on Immigration and Refugee Policy.*

DEPARTMENT OF STATE,
*Washington, D.C., April 17, 1981.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate*

DEAR SENATOR KENNEDY: I am replying to your letter of April 6, to the Secretary requesting that the Department of State recommend to the Immigration and Naturalization Service (INS) that Salvadorans in the United States be granted voluntary departure status in lieu of forcible repatriation to El Salvador and work authorization and a more flexible visa policy for those who have relatives in the United States.

Under the United Nations Protocol Relating to the Status of Refugees, the United States is prohibited from undertaking the forced expulsion movement of a refugee to a country or frontier where persecution is likely to occur. In addition, the Refugee Act of 1980 obliges the granting of asylum status to those who establish a well-founded fear of persecution upon return to their country of nationality for reason of race, religion, nationality, membership of a particular social group, or political opinion. The responsibility for establishing a well-founded fear of persecution rests with each applicant. The INS does not classify Salvadorans in the United States as refugees unless they individually establish that their fear of being persecuted is a well-founded one.

While questions regarding exclusions or deportation proceedings are, of course, under the jurisdiction of the INS, the Immigration Service has informed us that no Salvadoran asylum seeker is sent back until a determination has been made that the claimant has not established a well-founded fear of persecution. It is not necessary for Salvadorans to "formally" request asylum. If a positive indication of unwillingness to return to El Salvador is made, and if the unwillingness is based on a fear of being persecuted, that is sufficient to have the case processed through asylum procedures.

Due to the so-called "final offensive" last January by the Farabundo Marti National Liberation Front, the Department believed it prudent to ask the INS to suspend action for 90 days on Salvadoran asylum requests. This 90-day period lapses April 15 at which time the Department intends to resume review of Salvadoran asylum requests. For those who establish a well-founded fear of persecution upon return to El Salvador the Department, in its advisory opinion, will so inform the appropriate INS District Office.

While civil strife and violence in El Salvador continue at distressing levels, conditions there do not, at present, warrant the granting of blanket voluntary departure to Salvadorans in the United States.

While fighting in some areas has been severe, El Salvador has not suffered the same level of wide-spread fighting, destruction and breakdown of public services and order as did for example, Nicaragua, Lebanon or Uganda at the time when voluntary departure was recommended by the Department and granted by INS for nationals of those countries.

Public order and public services, while under a serious attack, are still maintained, especially in El Salvador and the larger cities.

Moreover, Salvadorans now present in the U.S., whose number may be as high as 500,000, who were not involved in political or military activities before their departure, would not face, upon return, any more danger than is faced by their compatriots who never left the country.

We believe that the majority of Salvadorans in the United States did not depart their country solely to seek safehaven in this country.

Most traveled through third countries before entering the United States and many of them entered quite some time ago. Other countries closer to El Salvador, Honduras for example, have been generous in offering safehaven to Savadorans who have fled.

Thus, it is not true that only the United States is a possible refuge. The Department, therefore, at this time, is not in a position to recommend to the INS the blanket granting of voluntary departure status or work authorization for Salvadorans presently in the U.S.

Similar considerations apply to the question of non-immigrant visas for Savadorans outside our borders. As you know, the Immigration and Nationality Act provides that visa applicants must be considered to be intended immigrants until they establish that they qualify for one of the non-immigrant classifications.

Visitors establish eligibility by demonstrating economic, family, or social ties to their homelands which would induce them to depart voluntarily after a visit to the United States.

The extraordinary circumstances exisiting in such nations as Lebanon and Nicaragua, to which visa applicants would obviously not wish to return until circumstances returned to normal, would prevent persons who would otherwise be well qualified, from obtaining visas.

In these circumstances, we advised consular officers to take a "long-term view" of the applicants' ties to their homelands, those attachments which would induce them to return abroad when circumstances returned to normal. This policy obviously cannot assist an applicant who would not qualify for a visitor's visa under any circumstances.

As previously noted, we do not believe that the circumstances in El Salvador reach the same levels as existed in Lebanon or Nicaragua. Furthermore, we are not aware that there are Salvadoran visa applicants who in normal times could expect to receive visas who are now being denied because the current situation created questions about their intentions as tourists.

We will, of course, continue to assess Salvadoran developments closely and will inform the INS should these developments dictate a change in our position regarding voluntary departure status for Salvadorans.

Sincerely,

ALVIN PAUL DRISCHLER,
*Acting Assistant Secretary for Congressional Relations.*

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COMMITTEE ON THE JUDICIARY,
*Washington, D.C., April 6, 1981.*

Hon. DAVID CROSLAND,
*Acting Commissioner, Immigration and Naturalization Service, Department of Justice, Washington, D.C*

DEAR MR. CROSLAND: To follow-up our discussion at last week's hearing of the Subcommittee on Immigration and Refugee Policy relative to special immigration measures for El Salvadorans in the United States, I have written the attached letter to Secretary of State Alexander Haig.

I appreciate that INS must receive a recommendation from the Department of State prior to establishing a policy of granting stays of voluntary departure for Salvadorans who do not wish to return to their country at this time because of the escalating civil strife. However, I am hopeful the Department will soon make such a recommendation, for I believe it is clearly warranted.

Again, I appreciated your testimony before the Subcommittee and I look forward to receiving whatever INS statistics you have on the recent processing and/or deportation of El Salvadoran nationals.

Many thanks for your consideration, and best wishes.

Sincerely,

EDWARD M. KENNEDY,
*Ranking Minority Member, Subcommittee on Immigration and Refugee Policy.*

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U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,
*Washington, D.C., May 1, 1981.*

Hon. EDWARD M. KENNEDY,
*Ranking Minority Member, Subcommittee on Immigration and Refugee Policy, Washington, D.C.*

DEAR SENATOR KENNEDY: In response to your letter of April 6, 1981, requesting whatever statistics we have on recent deportation of El Salvadoran nationals, the following information is available at this time: For the year October 1979 through September 1980, 8.868 Salvadorans were expelled. Since October 1980 the following expulsions have taken place, including voluntary repatriation and deportation: October 1980, 825, November 1980, 776, December 1980, 721, January 1981, 894. The statistics are not yet available for February and March.

During your questioning in the hearing you referred to previous instances in which blanket periods of voluntary departure were granted. I have enclosed, for your information, a summary of those instances, beginning with Ethiopia in May 1977.

We have received word from the Department of State that it is not in a position to recommend a blanket granting of voluntary departure for illegal Salvadorans presently in the United States. However, on April 15, 1981, the Department resumed a case by case review of Salvadoran political asylum requests. For those who can establish a well founded fear of persecution upon return to El Salvador, State will inform the appropriate Immigration and Naturalization Service District office.

I appreciate your interest in this matter. Let me know if you wish additional information.

Sincerely,

DAVID CROSLAND,
*Acting Commissioner.*

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ENCLOSURES

Aliens from the following countries have been granted blanket periods of voluntary departure.

Ethiopia—May 1977 to present.
Uganda—April 1978 to present.
Iran—April 1979 to November 1980.
Nicaragua—June 1979 to September 1980.

Similarities:

1. All grants were based upon Department of State recommendations.

2. Department of State was not recommending that any of the involved nationalities be considered as a refugee within the meaning of 203(a)(7). Ugandan and Nicaraguan aliens were ineligible for consideration under 203(a)(7), as stated by Ms. P. Derian in a letter to Commissioner Castillo concerning Ethiopians and Ugandans dated April 7, 1978. "Since Refugees from many countries, including Uganda, are ineligible for refugee status under the proviso to Section 203(a)(7) of the Immigration and Nationality Act (INA) due to geographic criteria imposed by that section, many refugees in the U.S. can only be placed in voluntary departure status." The Iranian and Ethiopians were apparently found ineligible by Department of State for reasons other than the geographic criteria.

3. All initial recommendations were made by the Department of State prior to the Refugee Act of 1980.

Differences: Ethiopians and Ugandans were granted voluntary departure in one year increments.

Nicaraguans and Iranians were granted voluntary departure to specified dates as recommended by Department of State.

LEBANON

Based upon Department of State opinions a policy wire dated July 1, 1976 (attached) was issued stating that Lebanese nationals' requests for extensions of voluntary departure should be viewed sympathetically on a case by case basis (not a blanket grant of voluntary departure).

ETHIOPIA

Per request of Patricia M. Derian, Assistant Secretary of State for Human Rights and Humanitarian Affairs (letter dated May 1977), a policy wire, dated July 12, 1977 (attached) was issued stating that voluntary departure would be granted to Ethiopian nationals in one year increments.

On July 18, 1980, Victor H. Palmieri, United States Coordinator for Refugee Affairs wrote to Commissioner Crosland and requested that INS continue to defer deportation of Ethiopians. There has been no change in policy.

UGANDA

Per request contained in Ms. Derian's letter of April 7, 1978 concerning both Ugandans and Ethiopians, a policy memorandum, dated June 8, 1978 (attached) was issued stating that Uganda Nationals would be granted voluntary departure in one year increments.

In a letter dated June 22, 1979, Ms. Derian advised INS that conditions were too unsettled in Uganda to warrant a change of policy.

IRAN

In a letter to Mr. Michael Egan, Associate Attorney General, dated March 19, 1979, Mr. David Newsom, Under Secretary for Political Affairs, Department of State, requested that Iranians not be forced to return to Iran.

Mr. Egan responded to Mr. Newsom on April 11, 1979 and stated that departure would not be enforced until September 1, 1979.

On April 16, 1979, a policy wire (attached) was issued stating that Iranians would be granted voluntary departure until September 1, 1979. July 20, 1979 a policy wire (attached) was issued clarifying the policy regarding employment authorization. On July 28, 1979, Mr. Newsom wrote to Mr. Egan requesting an extension of the voluntary departure period to March 1, 1980.

Mr. Egan responded to Mr. Newsom on August 2, 1979 advising him that Iranians would be extended until June 1, 1980.

On August 9, 1979, a policy wire (attached) was issued extending the date to June 1, 1980. Clarification wires (attached) were issued on August 10, 1979 and September 20, 1979. On November 23 1979, a policy wire (attached) was issued concerning the revocation of the voluntary departure period previously granted.

NICARAGUA

In a letter to Commissioner Castillo dated June 26, 1979, Mr. Warren Christopher, Acting Secretary, Department of State, requested that INS place Nicaraguan nationals in a voluntary departure status until December 31, 1979

A policy wire (attached) dated July 3, 1979 stated that, for Nicaraguans in the U.S. as of June 27, 1979, voluntary departure should be granted until December 31, 1979.

Mr. Christopher requested, in a letter to the Commissioner dated August 17, 1979, that the policy not be limited to Nicaraguans who were in the U.S. as of June 27, 1979. Mr. Christopher wrote again on January 4, 1980 and on June 27, 1980 requesting extensions of voluntary departure to June 30, 1980 and September 28, respectively. Policy wires (attached) were issued to that effect on January 4, 1980; January 8, 1980; and July 1, 1980. Mr. Christopher wrote on October 1, 1980 that further extensions of voluntary departure was not necessary.

A policy wire (attached) was issued on October 16, 1980 stating that Nicaraguan requests for voluntary departure would be handled on a case by case basis (no longer a blanket grant of voluntary departure).

EMPLOYER SANCTIONS FOR UNDOCUMENTED WORKERS

AJC Chapter Responses

Report to the Committee on Immigration Policy

Washington, D.C. - generally supports the statement, but has hesitations about requiring universal identity cards for employees.

Cleveland - believes AJC should take no position or make a public statement on the issue. The chapter urges this position partly on the grounds that this is not a particularisticly Jewish issue, and partly on the grounds that there is no particularly visible Hispanic community in Cleveland. However, theChapter further urges that if the AJC's Board of Governors determines to adopt a policy on this issue, AJC ought to oppose a national identity card, on the ground of civil rights and privacy concerns.

Long Island - (1) supports action that would make it illegal for an employer knowingly to hire undocumented aliens; (2) opposes an identity card and data bank based on the ground that the threat posed to the right of privacy would be greater than the dangers posed by illegal immigration; and (3) supports action to enforce wage and hours laws as a means of curtailing the attractiveness of both attracting illegal immigrants and hiring them.

Miami - opposes worker registration cards as "a useless tool that would only serve to identify minority groups and inhibit the social growth of peoples."

San Francisco - overwhelmingly urges AJC not support a national identity card or more stringent wage and hours enforcement. Further, the Chapter believes that "minimal support exists for National AJC setting a policy without much more detailed understanding of what political forces are in place (the Administration's dealings with the government of Mexico vis-a-vis oil and quid pro quo on immigration)." Further, a number of Chapter leaders believe "that National AJC has jumped the gun and consequently presented as options two very flimsy positions." Finally, the Chapter prefers that no policy statement on immigration be issued by AJC at this time.

Atlanta - opposes a national identity card system on privacy grounds and supports wage and hours enforcement.

Los Angeles -strongly opposes a national identity card system on grounds that there is no proof that it would be workable; would entail enormous financial and bureaucratic costs; would potentially result in job discrimination against those who "look foreign;" would be vulnerable to forged identity documents; and would pose a threat to personal privacy and civil liberties. The Chapter strongly endorses more effective border controls, and has urged other Chapters to "strengthen AJC's excellent existing immigration policy by firmly rejecting this extreme approach (i.e., the options it opposes) which many believe will create more problems than it solves."

Denver - Chapter Executive Board favors cutting demand for illegal workers by enforcing existing wage and hours laws, and dealing with the problem at the countries of origin. However, the Board opposes adoption of employer sanctions because the methods to effect these sanctions threaten the civil liberties of both employers and employees.

San Diego - Unit Advisory Board unanimously supports the Los Angeles Chapter's position, "especially in light of the local AJC/Hispanic relationship " (i.e., strongly opposes national identity card on civil liberties and discrimination grounds, and endorses more effective border controls.)

Philadelphia - Chapter's Civil Liberties and Education Committee unanimously opposes an i.d. system on civil liberties grounds. The Committee recommends urging the government to enforce more aggresively wage and hour and social security laws already on the books, including those related to tax reporting and withholding, in order to deter employers from hiring undocumented workers.

Seattle - Executive Board unanimously voted to support the Los Angeles Chapter's opposition to the employer sanctions/i.d. proposal presented to the NEC in October 1981. It supported the Los Angeles Chapter's objections: (1) no evidence that the system would work; (2) ponderous financial and bureaucratic commitments; (3) potentially exhorbitant social costs.

Portland, Ore.- Board of Directors unanimously rejected the i.d. system, and was "most uncomfortable" with a wages and hours strategy on grounds that it was probably costly and unacceptable to the current administration. Moreover, the Board felt that a labor standards strategy was a "totally impractical" approach because of the potential costs involved.

Houston - Chapter Board of Directors opposes national data bank on civil liberties grounds; however, suggests use of foolproof Social Security card for citizens and legal immigrants, coupled with employer sanctions. Nonetheless, believes most effective step to deter illegal immigration is to increase border patrol and personnel in INS.

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TABULATION

(1A.) I.D. card with data bank

- (a) Support = 0
- (b) Oppose = 13

(1B.) I.D. card without data bank

Support = 1 (Houston)

(2) Wage and hours enforcement

Support = 4 (L.I. Denver, Atlanta, Philadelphia)

Oppose = 2 (San Francisco, Portland)

(3) Enforce border patrols = 3 (L.A., San Diego, Houston)

(4) AJC should take no action = 2 (Cleveland, San Francisco)

Prepared by Adam Simms
3/17/82
82-623-5

The American Jewish Committee
Institute of Human Relations
165 East 56th Street
New York, N.Y. 10022

MINUTES OF THE MEETING
of the
COMMITTEE ON IMMIGRATION POLICY

March 17, 1982

AMERICAN JEWISH ARCHIVES

| Present: | Staff |
|---|---|
| Lester S. Hyman, Chair | Gary Rubin |
| George Berlstein | Seymour Samet |
| Ethel Greenberg | Susie Schub |
| Rita Greenland | Adam Simms |
| Jane Wallerstein | Rabbi Marc Tanenbaum |

Response from the U.S. Attorney General

Mr. Hyman read to the Committee a letter received from U.S. Attorney General William French Smith in response to a communication of AJC's statement of concern about Coast Guard interdiction of ships on the high seas that are suspected of carrying illegal immigrants, and about the need to provide adequate adjudication and appeals procedures for interdicted passengers who make request for asylum as refugees.

Mr. Hyman believed that the Attorney General's response was constructive, and that AJC can take pride in the fact that we have played a significant role in shaping Administration policy and activities in this area. (A copy of the letter is appended.)

Haitian Refugees

Mr. Rubin reported that two civil rights issues have emerged in relation to Haitian refugees coming to the United States. He pointed out that these issues are separate from the question of their status as refugees.

First, there are questions as to whether their civil rights as foreign nationals are being violated by current high seas interdiction, adjudication and appeals procedures.

Second, Haitians reaching U.S. shores are the only group of people claiming refugee status who are being held in detention centers while their claims are adjudicated. On this score, Mr. Rubin pointed out that, of the approximately 2500 people under detention, all have been guaranteed sponsorship by U.S. citizens. If granted, sponsorship would allow them to leave the centers while their claims are being processed.

/over/

Referring to a report submitted by Sam Rabinove, who visited the Brooklyn detention center under the auspices of the New York advisory panel to the U.S. Civil Rights Commission, Mr. Rubin noted that while physical conditions there are good, psychological conditions are bad. The most serious problems for detainees arise from having little to do while being detained. Many in the camp display signs of suffering from depression, and a number of suicide attempts have been made. (A copy of Mr. Rabinove's report is attached.)

Finally, Mr. Rubin noted that AJC has been actively involved in the Haitian issue as a founding sponsor of the National Emergency Coalition for Haitian Refugees, organized by Bishop Bevilacqua of the Catholic Church.

Mr. Berlstein inquired about the government's reasons for the detention policy. Mr. Hyman noted that the Administration's reason, expressed privately, is that detention is designed to deter further immigration. Mrs. Wallerstein inquired why it took so long for the government to adjudicate the refugees' status. Mr. Rubin responded that the government claims that the detainees' advocates clog the process with appeals, and that the advocates claim the government is clogging the process in order to avoid airing questions about infractions of regulations by INS.

During discussion of whether the committee should recommend that AJC issue a statement about the detention issue, Rabbi Tanenbaum noted that there were important intergroup relations matters involved. He reported that Rev. Jesse Jackson had invited Bishop Balalaqua to represent the National Emergency Coalition in an interfaith visit to the Brooklyn detention center. However, the bishop declined after coming to the conclusion that Rev. Jackson might try to utilize the visit to claim that government policy toward the refugees is racially biased.

Action

Mr. Hyman then asked for the sense of the committee as to whether detention ought to be used by the government as a deterrent, and whether AJC should issue a statement. Mr. Berlstein expressed the view that the policy was illegal, immoral, surreptitious, without justification, and smacked of a police state approach. Mrs. Greenland believed that notwithstanding the issue of illegal entry, entrants ought to be treated decently once they enter. Other members of the committee concurred with these views.

Mr. Simms then drew the committee's attention to a statement by the Leadership Conference on Civil Rights concerning Haitian refugees. It had been forwarded to AJC for possible endorsement. Mr. Rubin reported that this draft had been submitted simultaneously with one drawn up by the Emergency Coalition. In light of AJC's statement about the Refugee Act of 1980, the LCCR draft presented some problems because it tends to blur distinctions between political and economic refugees. After brief discussion, Mr. Hyman suggested that, since AJC had already spoken to the issue through the Emergency Coaliton's statement, we not say anything with regard to the LCCR draft. He suggested, in addition, that the committee address the issue of the distinction between political and economic refugees at a future meeting.

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Salvadoran Refugees

Mr. Rubin reported that the U.N. High Commissioner for Refugees has submitted a report recommending changes in the U.S. government's processing of Salvadorans entering the country. He noted that the UNHCR maintains protection officers in a number of cities in the U.S. to whom people can appeal to make recommendations for asylum to foreign governments. The UNHCR has made such recommendations to the U.S., and these have been denied in a wholesale fashion to date. Mr. Rubin noted that this is the first time the government has so dealt with UNHCR recommendations. (A copy of the report is attached.)

Mr. Berlstein inquired whether the U.S. posture might reflect reluctance to make an implicit criticism of a government, with which the U.S. has friendly relations, by granting asylum to its nationals. Mr. Rubin responded by noting that the UNHCR had recommended a number of steps the U.S. could take that would avoid such difficulties, e.g., granting extended voluntary departure and humanitarian parole. Such actions would neither grant asylum status nor constitute a statement about conditons in El Salvador.

Action

Rabbi Tanenbaum noted that the Salvadoran situation has emerged recently as a major foreign policy thrust of the U.S. Catholic hierarchy. He suggested that a representative of the committee meet with Catholic representatives in order to determine their insights and how we might wish to cooperate. Mr. Hyman concurred, noting that while we would wish to avoid taking sides on the political issues involved, Mr. Rubin had sketched out a number of remedies we could support that avoid making a statement on such issues.

Employer Sanctions for Undocumented Workers

In opening discussion on this topic, Mr. Hyman reported that Senator Simpson had that morning introduced immigration legislation with provisions for employer sanctions as a means of reducing attractions for illegal entry into the country. However, he noted that the proposal calls only for an affidavit system, which the committee had previously considered and had decided was ineffective as a deterrent mechanism.

Mr. Hyman then directed attention to the report of Chapter responses to the committee's options paper on employer sanctions. He noted that the responses unanimously rejected the option of an identification card and data bank system. Only one Chapter endorsed an i.d. card system, but strongly opposed a data bank. The wage-and-hours enforcement option was supported by four Chapters and opposed by two. Three Chapters urged reliance upon enforcing border patrols as the best means for controlling illegal entry. Two Chapters urged that AJC take no action on the issue at this time. (A digest of responses is attached.)

Mr. Hyman requrested the committee's advice about what recommendations should be made to the Board of Governors in view of these responses.

Mr. Samet noted that the responses were advisory, and did not necessarily constitute a mandate to the committee in the event that it strongly believed that its recommendations constituted responsible policy suggestions for AJC.

/over/

Mr. Rubin noted that the committee's choices were larger than an either/or recommendation on the issue of an i.d. card and data bank. He pointed out that the options paper had contained a compromise position that could be enlarged to include the following strategies to reduce demand for undocumented workers: (1) enforcement of wage and hours standards; (2) better checks of welfare applicants to screen out illegal entrants; (3) firmer checks of visas abuses by schools; (4) provision of more resources to consular officials in order to spot applicants who intend to overstay their visas. The options paper had suggested that these measures might be tried for a period of one year to see what effect they had on reducing demand. If no reduction occurred, that finding would strengthen the case for employer sanctions.

Mrs. Greenland responded that in all likelihood it would take more than a year to put the alternatives in place before an adequate test of their effectiveness could be made. Mr. Rubin replied that most of the bureaucratic machinery already existed, and therefore the start-up time required for enforcement would not be great.

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Action

Mr. Hyman then requested a consensus on action to recommend to the Board of Governors. After discussion, it was decided that Mr. Hyman should report the committee's recommendation in favor of employer sanctions and the Chapter's responses to the Board for presentation and discussion, with an additional recommendation that the issue might be put on the Annual Meeting agenda for discussion and decision. The committee left to Mr. Hyman's discretion to make appropriate arrangements with Mr. Gold.

Mr. Rubin was then asked to report on the Simpson bill. He noted that there are some measures that are against AJC policy, but that by and large it is better than previous legislation introduced by the Administration. Among the major provisions are:

1) A cap on the number of immigrants to be admitted each year, but no cap on refugee admissions. The cap will be 425,000 admissions per year. Since current entries are slightly below this figure, it does not now constitute a reduction in the face of demand. However, the bill provides quotas for immediate family members (parents, spouses, children over 21 years of age), and this AJC opposes.

2) Preferences for brothers and sisters of American citizens will be cut. AJC opposes this position.

3) Legalization (i.e., amnesty) of illegal entrants in previous years is provided for.

Permanent resident status will be available to those who entered before January 1978. Those who entered between 1978-1980 will be given 2 year temporary resident status with an opportunity to gain permanent resident status. This is a positive provision.

4) Employer sanctions, without an identification card, is included.

5) Increased quotas for immigration from contiguous countries (i.e., Mexico and Canada) are provided.

6) A streamlined system is provided for those applying for asylum, along with provisions for appeal to a higher board. Mr. Rubin noted that it was not yet clear whether the legislation provides that hearing officers would be obligated to inform people of their right to asylum under UN protocols.

Following the report, Mr. Hyman thanked the committee's members for their conscientious work, noting that AJC could be proud of the impact that it has had on public consideration of immigration issues. He then adjourned the meeting.

Respectfully submitted,
Adam Simms, DAD

AS/ea
enc.

STATEMENT OF THE AMERICAN JEWISH COMMITTEE

ON THE

IMMIGRATION REFORM & CONTROL ACT OF 1982

H.R. 5872

JOINT HEARINGS

OF THE

U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON IMMIGRATION, REFUGEES & INTERNATIONAL LAW

OF THE

HOUSE COMMITTEE ON THE JUDICIARY

AND THE

U.S. SENATE SUBCOMMITTEE ON IMMIGRATION & REFUGEE POLICY

OF THE

SENATE COMMITTEE ON THE JUDICIARY

April 1, 1982

Since its founding in 1906, the American Jewish Committee has maintained a deep and consistent interest in United States immigration and refugee policy. It has participated actively in discussions of every major immigration proposal in this century. Throughout this period it has advocated vigorous efforts to rescue refugees; generous provisions for regular flow entry, especially to reunify families; and firm though fair enforcement of the immigration law.

These policy positions find a good deal of support in the "Immigration Reform and Control Act of 1982." This proposed legislation represents a major advance over previously submitted immigration bills. But we have serious reservations about certain sections of the Act and believe that a number of alterations could significantly improve it.

<u>Numbers</u>

One of the Act's great strengths lies in its recognition that refugee rescue is a unique sector of immigration policy that cannot be lumped together with other kinds of admissions to the United States. In leaving refugees out of its proposed cap, the legislation acknowledges that a humanitarian response to politically forced migration requires procedures flexible enough to allow for quick and generous action. We endorse this affirmation of the special character of refugee efforts.

It is also a positive sign that the Act recognizes the beneficial effects of present levels of legal immigration to the U.S. and does not seek to cut down on this inflow.

We do not believe, however, that it is necessary to place a cap, as the Act does on regular flow immigration. It is true that the category of immediate relatives of U.S. citizens, which is exempt from

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numerical ceilings under present law, has been growing slowly in recent years. Still, this rise is mild and predictable and lends itself to planning efforts to deal with it. Moreover, these newcomers, and those within limited preference categories, come to join relatives in the U.S. or to take advantage of job offers and so make a quick and positive adjustment to their new environment. Unlike fears expressed about other types of inflow, current family immigration is by no means unmanageable and should be continued in its present form.

A cap would present a number of problems if it were enacted. First, since immediate relatives of U.S. citizens would get first choice for all available admission places, their numbers could take up many of the 325,000 entry slots provided for families and leave an inadequate amount for other types of family unification, which are also important. This could lead to creation of large backlogs for limited preference categories. In addition, a cap would have a serious effect on the proposal, contained in this bill, to double admissions quotas for Mexico and Canada to 40,000 each. While we support this increase in principle, in previous legislative proposals, such as that of the Reagan Administration's, it was advanced as an additional class of entry slots that would come at no one else's expense. Under the current bill, it would be included within the 425,000 cap and so take places away from prospective immigrants from other locations.

In our view, the elimination of a cap would not add too much to levels of entry and would further the aim of this legislation to preserve the beneficial effects of continued generous and predictable numbers of legal immigrants.

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Preferences

We support the Act's reliance on family unification as the principal means of determining preferences for entry. A continuation of an emphasis on families is both humanitarian and socially beneficial since it guarantees that newcomers will be received by relatives who will aid in their transition.

For these reasons, we oppose the elimination in the Act of the current fifth preference that allows for entry of brothers and sisters of U.S. citizens. Maintenance of this preference would preserve immigration places for relatives who are considered extremely close in certain cultures. In addition, since significant flows of siblings tend to come from certain specific countries, a continuation of this channel for entry would guarantee diversity in sources of newcomers and preserve the universal character of U.S. admissions policy. The resulting pluralism would benefit our country greatly.

Asylum

One of the most pressing issues now facing the United States is how to deal with mass flows of asylum seekers in a way that honors our responsibility to genuine refugees yet allows a degree of control over admissions. On this difficult topic the Act makes some positive proposals but also contains some weaknesses.

One very positive step is the appointing of specially trained administrative law judges to hear asylum cases and provision for appealing their decisions to a new U.S. Immigration Board. Asylum hearings will be open, fully recorded, and allow for right to counsel. A key feature

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of these judges and the board is that they would be independent. In particular, their operations would remain outside the Immigration and Naturalization Service and would not be subject to the Attorney General's review. Since board members would be appointed by the President, with Senate consent, for six-year terms, their time in office will overlap that of the administration that puts them in. All of these guarantees of independence are necessary to assure the credibility of the system.

Much less attractive is the provision in the bill for summary exclusion of aliens without documents who do not request asylum immediately. Two objections apply to this proposal. First, many of the people subject to this procedure might be asylum seekers unfamiliar with the formal means of asking for refuge. Second, the concept of summary procedures may allow for the circumventing of guarantees to due process and fair hearings.

A final feature of the Act on asylum, which we regard as very positive, is that it does not contain the emergency provisions of the Reagan Administration's Omnibus Act. We can gain control over the asylum situation without granting these broad and easily abused powers to the Executive and the proposed bill makes a wise decision to omit them.

Undocumented Aliens

Any workable and equitable approach to undocumented aliens in the United States must aim both at cutting down on unauthorized inflow and treating the undocumented population now in the country in a fair and humane manner.

To deter further illegal entry the Act expresses the sense of Congress

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that resources for the border patrol and other enforcement should be increased. We endorse this recommendation and urge that care be taken to assure that these enhanced resources are deployed in ways that do not single out any one group for more attention than others.

To cut down on demand for undocumented workers, the Act would impose employer sanctions. For defense against fines it would allow for employers' inspection of current means of job applicants' documentation for three years and a new identification system after this time. This is an extremely controversial proposal on which less consensus exists than on perhaps any other topic in the immigration field. Certainly, if a sanctions system is imposed, it must be accompanied by a new, secure and universal identification system to assure fairness. Other means have also been proposed to dampen demand for unauthorized workers and these should receive consideration.

Finally, the Act proposes a legalization program for undocumented aliens in the U.S. since January 1, 1980. This is certainly the most generous legalization proposal yet to be seriously considered by Congress and makes great progress over the Reagan Administration bill's provisions on this issue. We must pay close attention to the date of enactment of this legislation, however. The longer the Act is considered, the farther its enactment will become from the January 1, 1980 cutoff for eligibility for legalization. If this happens, a larger segment of the undocumented population would become unable to legitimize their status and the effectiveness of this proposal will diminish. We believe that, coupled with enforcement measures, a legalization program should be enacted that

contains a cutoff date as close as possible to the time when these provisions become law.

Conclusion

The American Jewish Committee endorses many of the proposals contained in the "Immigration Reform and Control Act of 1982." We have serious reservations about certain aspects of the bill, however. If these concerns are addressed as the Act is being considered, we will have gone a long way toward creating a fair, generous and controlled immigration policy for our nation.

82-695-13

CITIZENS' COMMITTEE FOR IMMIGRATION REFORM

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NINA K. SOLARZ
Executive Director

April 1, 1983

Rabbi Marc H. Tanenbaum
National Director
Interreligious Affairs
American Jewish Committee
165 East 56th Street
New York, New York 10022

Dear Marc:

Much is happening on the immigration reform front and we would like to bring you up to date.

Early in February, Senator Alan Simpson reintroduced the version of the Immigration Reform and Control Act which passed the Senate last year. Simultaneously, Congressman Ron Mazzoli reintroduced the House Judiciary Committee version. Hearings were held in the Senate and the House during February and March.

We were most pleased to have been accorded the opportunity for Committee co-chairman, Father Hesburgh, to testify at the invitation of both Senator Simpson and Congressman Mazzoli. His testimony (copies of which are enclosed) was most favorably received, and he has now been invited by the Subcommittee on Labor Standards of the House Education and Labor Committee to testify on the provisions of the temporary worker program.

While both bills are rapidly moving forward to the markup stage, scheduled for early April, we have been working on the following exciting plans and proposals:

o Organizing a conference with focus on the major concerns in the Hispanic community related to immigration reform. This meeting will be held on April 4-5 at the Wingspread Conference Center in Racine, Wisconsin. As you may recall, the Wingspread Center, sponsored by the Johnson Foundation, was also the site of our conference two years ago which served to launch the Citizens' Committee for Immigration Reform.

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We expect this conference to specifically tackle one of the thorniest aspects of immigration reform -- the issue of employer sanctions. We have invited and received confirmations from distinguished Hispanic leaders across the country, including Mayor Maurice Ferre of Miami; Leonel Castillo, a member of our committee and former head of the INS; Judge Albert Bustamonte of San Antonio; Al Velardi of the USCC in El Paso; and Joaquin Avila of MALDEF.

o At the request of Congressman Mazzoli, we are organizing a briefing on the issues of numbers of legal immigrants, legalization and asylum, for representatives of more than forty organizations concerned with immigration reform. Such diverse groups as the Business Roundtable, U.S. Chamber of Commerce, AFL-CIO, American Association of University Women, ACLU, MALDEF, Zero Population Growth, and all of the interested religious organizations will be invited.

o A briefing on the various aspects of the need for legalization as an essential component of the immigration reform bill. This briefing will be aimed at a wide network of ethnic organizations including representatives of Asian and Latin American countries. Our objective will be to generate support for a substantial legalization program as well as adequate numbers for legal admission of immigrants to the United States.

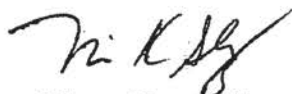
o We have submitted a proposal to the Twentieth Century Fund to study the processes and procedures which will be required for a legalization program, including the appeals mechanisms. The Foundation feels it is important, as we do, to create a comprehensive plan for implementation of a legalization program, and we hope we will be successful in this request.

We continue to be operating on a shoe-string, but thanks to the generous response from so many of you, as well as from other individuals and organizations, we are able to at least keep our heads above water.

I shall keep you generally informed of the bills' progress and specifically of the outcome of our conference at Wingspread. I anticipate that the discussion will be heated and the conclusions interesting.

Please accept my very best wishes for a happy holiday season.

Sincerely,



Nina K. Solarz
Executive Director

CITIZENS' COMMITTEE FOR IMMIGRATION REFORM

# Testimony

of

The Reverend Theodore M. Hesburgh, C.S.C.

Co-Chairman of the

Citizens' Committee for Immigration Reform

Before

The House Subcommittee on Immigration, Refugees and International Law

Washington, D.C.

March 10, 1983

AMERICAN JEWISH ARCHIVES

Chairman Mazzoli and members of the Subcommittee, it is indeed a pleasure for me to be appearing once again before you at our third round of hearings on this vitally important subject of immigration reform. I am especially pleased to be testifying before my good friends Ron Mazzoli and Dan Lungren -- both of whom are Notre Dame graduates, by the way -- and to be working together with Ham Fish once again, as I did on the Select Commission on Immigration and Refugee Policy, to assist you in fashioning a just, decent and humane immigration reform bill.

Ron, I believe that it is only because of the super-human effort which you and your counterpart in the Senate, Alan Simpson have put forth that we are here today seriously considering immigration reform. As I reflect back over the numerous commissions on which I have served, it is obvious to me that our Select Commission report would have gathered dust on the shelf without your heroic efforts. I salute you and Al and your valiant achievements so far and pledge my continued cooperation to make the Mazzoli-Simpson Immigration Reform and Control Act a reality this year -- in 1983.

My concern with immigration and refugee policy is well known and my positions on the issues which confront -- and sometimes confound -- us in this area are on the record. Your bill parallels most of the recommendations of the Select Commission on Immigration and Refugee Policy and recognizes the necessity for controlling illegal migration -- "closing the back door" -- while at the same time continuing legal immigration at a reasonable level -- "opening the front door."

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Specifically, our Citizens' Committee of concerned Americans applauds the sensible and balanced manner in which your bill addresses the three inter-twined issues of legalization of a substantial number of those undocumented persons currently in the United States, sanctions against employers who knowingly hire undocumented workers in the future coupled with an identification system for all of those persons legally eligible to work. It recognizes the fact that people come to this country primarily to work, and that unless the pull of available work is de-magnetized, we cannot control illegal immigration. It also understands the absolute necessity for the development of a counterfeit resistant, non-discriminatory means of worker identification to minimize any discriminatory aspects of sanctions. And perhaps most significantly, it deals with the problem of the millions of undocumented persons currently residing in the United States by offering them an opportunity to become legal residents through an amnesty program. You have recognized that we will all benefit when undocumented persons come out of the shadows in which they now live to participate fully in American life with all of the rights and benefits of citizens, although I shall have some specific recommendations to make to your subcommittee on this precise issue later in this testimony.

During the course of the debate over the sanctions provisions of the Immigration Reform and Control Act of 1982, we heard much testimony, much debate, sadness and even rancor over the employer

sanctions provisions. I believe that we should have learned something from the last two years, and we must resume that debate where it left off. It is necessary to encourage the process of education and even compromise and to come to grips with the real and genuine concerns of the Hispanic community, in particular, and all minority groups in fact, who fear the consequences of employer sanctions.

In my view, coupled with sanctions there must be an identification system required for all persons eligible for work. This is essential to protect prospective employees against discrimination by employers who might turn someone away because of the fear of hiring an illegal alien. I am persuaded that concerns about the abuse of privacy are not warranted under such a system. As I stated on another occasion, "what protects our society and individuals against abuse of privacy is the existence of traditions, habits and laws which sustain our first, fifth and fourteenth amendment rights concerning freedom and due process."

An identification system notwithstanding, however, I feel that we must exhibit extreme sensitivity to the civil rights concerns voiced by many in the minority community and perhaps make further adjustments and create new mechanisms to deal with these concerns. As a former Chairman of the Civil Rights Commission, I feel particularly drawn to the concept that to the best of our ability, we must address the genuine anxiety and real fears which people have expressed.

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It seems to me that the ways in which your bill has dealt with the possible discriminatory aspects of employer sanctions by requiring the Civil Rights Commission to review the effects of the law and by creating a Department of Labor/Department of Justice task force to review complaints of discrimination are important steps in the process of minimizing any perceived employment discrimination. I commend you Mr. Chairman, Chairman Rodino and Congressman Barney Frank for having devised these imaginative solutions to a thorny problem.

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The logic of sanctions as a means to curtail future flows of illegal immigration was recognized by the Select Commission on Immigration and Refugee Policy and the last four administrations -- both Democrats and Republicans. The logic of sanctions as a trade-off to a legalization program has not been stressed quite as much (except by Congressman Frank in his oft-quoted remark on the floor of the House of Representatives during debate on the immigration bill that you may be able to have love without marriage, but not legalization without sanctions.)

For my part, for the members of my Committee and for the fifteen other Commissioners who served with me on the Select Commission on Immigration and Refugee Policy, legalization of a substantial number of those undocumented persons currently residing in the United States is the lynch-pin of any immigration reform. As we noted in the report of the Select Commission, "Qualified

aliens would be able to contribute more to U.S. society once they came into the open. Most undocumented/illegal aliens are hardworking, productive individuals who pay taxes and contribute their labor to this country..."

But it is also true that to many hardworking, law-abiding, Americans, who believe that our nation must gain control over its own borders, we must provide mechanisms and assurances that massive future flows of undocumented persons will cease. This mechanism is employer sanctions -- linked with an identification system for all of those eligible to work in this country. And in my judgment, a bill without a substantial employer sanctions provision with teeth in the law, will simply not pass the Congress of the United States or -- worse still -- satisfy the American people.

The Mazzoli Immigration Reform and Control Act of 1983 maintains the delicate balance between a fairly generous legalization program and an employer sanctions provision with civil and criminal penalties, coupled with an identification system. For my part, this is the essence of the legislation.

The idea of an amnesty appears to be receiving wider support as citizens and politicians alike understand that the continued existence of a large number of undocumented aliens is harmful for American society for many reasons, including the encouragement of illegality, depression of U.S. labor standards and the neglect

of health and education and that there is no possible way this government can apprehend and deport a substantial number of illegal aliens without seriously violating the civil rights and civil liberties of many Americans.

But we must guard against the temptation to so limit the terms of a legalization program that we drastically reduce the number of undocumented persons eligible to be legalized. The issues now are, it seems to me, the timing and scope of an amnesty program.

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The Select Commission recommended that all undocumented persons in the United States prior to January 1, 1980, would be eligible for an amnesty, with the time of residence to be determined by Congress. That was in March, 1981. It is now March, 1983, and I would suggest that the cut-off date for legalization be moved up to at least January 1, 1982. As we said in March, 1981, in our Final Report to the Congress and the President, "In setting a cut-off date of January 1, 1980, the Commission has selected a date that will be near enough to the enactment of legislation to ensure that a substantial portion of the undocumented/illegal alien population will be eligible..." In addition, we would support a residency requirement of no more than 2 to 3 years.

In my view, the idea of a two-tier legalization program also presents unnecessary problems. By overly complicating the form of the registration program and by denying family unification and basic public benefit programs to some of those who register, the

intention to have a comprehensive legalization program would be frustrated. For an amnesty program to be effective, the rules must be simple, the time allotted for registration must allow for proper communications and for the inevitable process of convincing people of the good faith of the government and the advantages of being moved out of the shadows of illegal residence.

Simplicity will make a legalization program work more effectively. A six year waiting period for your proposed temporary residents is too long to realistically expect a successful registration. The added burden for the Immigration Service to establish year of residency and then to keep records of time spent to meet the 6 year residency requirement creates another burden on an agency now trying to dig its way out of paper. An amnesty program should be straightforward, as simple to administer as possible and should rely on the cooperation of groups most able to contribute to its success.

To that end, various agencies and organizations with roots into immigrant communities, with the trust and respect of the people to be registered, should be involved. The kind of organizations I have in mind are those whose work in immigration and refugee resettlement has been the backbone of resettlement programs; religious organizations whose work for immigrants and minorities has been long noted and respected; ethnic groups whose participation in federal programs on behalf of their constituencies are the hallmark of a

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vital democracy. The participation of these kinds of organizations in a registration program will be vital to a successful program. Two lessons to be learned from similar programs in other countries are the need for an appropriate time for the registration and the participation of groups with a history of public service and the trust and respect of the people involved.

As far as legal immigration is concerned, we are in total agreement with the principle that refugee admissions should be outside of any fixed ceiling on numbers of legal immigrants. We must be given flexibility to deal with world crises in a humane manner, and at the same time we need to assure adequate visa numbers for legal entry into the United States under the family reunification and independent immigrant categories.

We often seem to lose sight of the fact that it is clearly in the interests of our nation to accept a substantial number of permanent resident aliens. I think it might be well here to quickly summarize the findings of the Select Commission regarding the positive aspects of legal immigration:

* Immigrants work hard, save and invest and create more jobs than they take. Thus, they contribute to economic growth in the United States. That is true even for refugees although the contribution takes place after a longer period of adjustment.

* Immigrants rapidly pay back into the public coffers more than they take out.

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* Immigrants strengthen our pool of younger and middle-aged workers, thus strengthening our social security system and enlarging U.S. manpower capabilities.

* Immigrants strengthen our ties with other nations.

* Immigrants strengthen our linguistic and cultural resources.

* Immigrants and their children embrace American ideals and public values rapidly and help to renew them.

* Immigrants give a brilliant demonstration to the world of the advantages of a free society.

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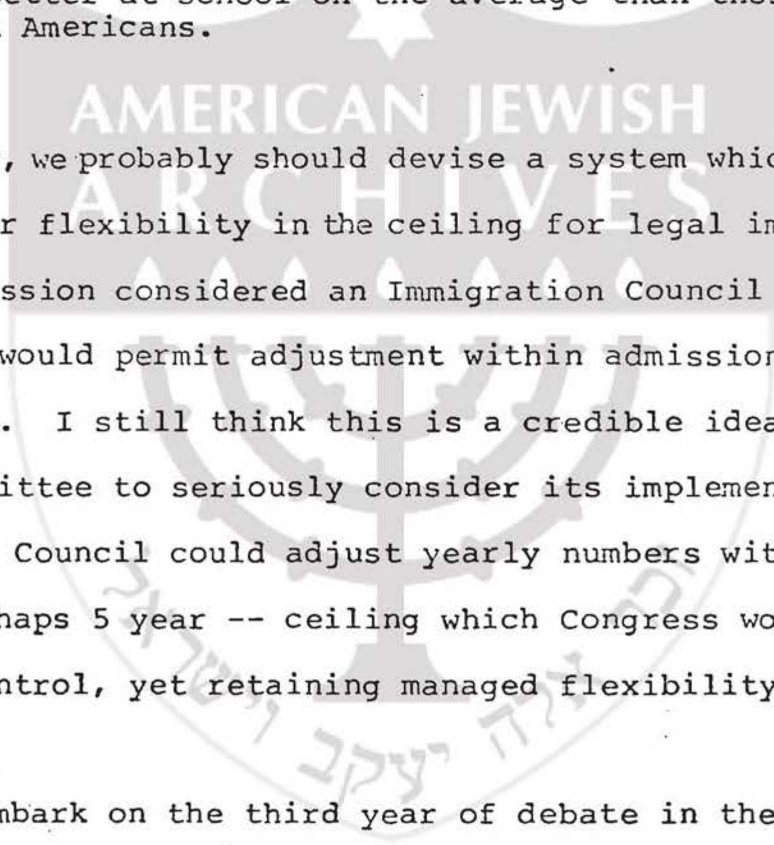
AMERICAN JEWISH
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Ideally, we probably should devise a system which contains a mechanism for flexibility in the ceiling for legal immigration. The Select Commission considered an Immigration Council in its deliberations which would permit adjustment within admission goals set by the Congress. I still think this is a credible idea and would urge this subcommittee to seriously consider its implementation. A small select Council could adjust yearly numbers within a long-range -- perhaps 5 year -- ceiling which Congress would set, thus achieving control, yet retaining managed flexibility in our system.

As we embark on the third year of debate in the Congress over a new immigration policy, it seems well to reflect upon our experience with the Civil Rights Commission. It took the better part of a decade after the Commission issued its report to enact civil rights legislation into law. And of that, about 60% of the Commission's recommendations eventually became law.

Here we are -- almost exactly two years from the date of the release of the recommendations of the Select Commission on Immigration and Refugee Policy, and we are well on our way toward enactment of the Immigration Reform and Control Act of 1983. Ron, Ham, subcommittee members, friends, I salute your achievements so far and stand ready to assist you until our mutual goal -- a rational, just, humane and race-free immigration policy for this nation -- is a reality.

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CITIZENS' COMMITTEE FOR IMMIGRATION REFORM
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NINA K. SOLARZ
Executive Director

Testimony

of

The Reverend Theodore M. Hesburgh, C.S.C.

Co-Chairman of the

Citizens' Committee for Immigration Reform

Before

The Senate Subcommittee on Immigration

and Refugee Policy

AMERICAN JEWISH ARCHIVES

Washington, D.C.

February 25, 1983

Chairman Simpson and members of the subcommittee, it is indeed a pleasure for me to be appearing once again before you at our third round of hearings on this vitally important subject of immigration reform. I am especially pleased to be testifying before my good friends Al Simpson and Ted Kennedy, with whom I worked so closely for the eighteen month tenure of the Select Commission on Immigration and Refugee Policy, and then over the course of the last two years as they attempted to fashion a just, decent and humane immigration reform bill.

Al, I believe that it is only because of the super-human effort which you and your counterpart in the House, Congressman Ron Mazzoli, have put forth that we are here today seriously considering immigration reform. As I reflect back over the numerous commissions on which I have served, it is obvious to me that our Select Commission report would have gathered dust on the shelf without your heroic efforts. I salute you and Ron and your valiant achievements so far and pledge my continued cooperation to make the Simpson-Mazzoli Immigration Reform and Control Act a reality in 1983.

My concern with immigration and refugee policy is well known and my positions on the issues which confront -- and sometimes confound -- us in this area are on the record. Your bill parallels most of the recommendations of the Select Commission on Immigration and Refugee Policy and recognizes the necessity for controlling illegal migration -- "closing the back door" -- while at the same time permitting legal immigration at a reasonable level -- "opening the front door."

Specifically, our Citizens' Committee of concerned Americans applauds the effective, intelligent and fair manner in which your bill addresses the issues of identifying those legally eligible to work in this nation and sanctions against employers who knowingly hire undocumented workers. It recognizes the fact that people come to this country primarily to work, and that unless the pull of available work is de-magnetized, we cannot control illegal immigration. It also understands the absolute necessity for the development of a counterfeit resistant, non-discriminatory means of worker identification to minimize any discriminatory aspects of sanctions. And perhaps most significantly, it deals with the problem of the millions of undocumented persons currently residing in the United States by offering them an opportunity to become legal residents through an amnesty program. You have recognized that we will all benefit when undocumented persons come out of the shadows in which they live to participate fully in American life with all of the rights and benefits of citizens.

AMERICAN JEWISH ARCHIVES

During the course of the debate over the sanctions provisions of the Immigration Reform and Control Act of 1982, we heard much testimony, much debate, sadness and even rancor over the employer sanctions provisions. I believe that we should have learned something from the last two years, and we must resume that debate where it left off. It is necessary to encourage the process of education and even compromise and come to grips with the real and genuine concerns

of the Hispanic community, in particular, and all minority groups, in fact, who fear the consequences of employer sanctions.

In my view, coupled with sanctions there must be an identification system required for <u>all</u> persons eligible to work. This is essential to protect prospective employees against discrimination by employers who might turn someone away because of the fear of hiring an illegal alien. I am persuaded that concerns about the abuse of privacy are not warranted under such a system. As I stated on another occasion, "what protects our society and individuals against abuse of privacy is the existence of traditions, habits and laws which sustain our first, fifth and fourteenth amendment rights concerning freedom and due process."

An identification system notwithstanding, however, I feel that we must exhibit extreme sensitivity to the civil rights concerns voiced by many in the minority community and perhaps make further adjustments and create new mechanisms to deal with these concerns. As a former Chairman of the Civil Rights Commission, I feel particularly drawn to the concept that to the best of our ability, we must address the genuine anxiety and real fears which people have expressed.

It seems to me that the manner in which the Mazzoli bill in the House has dealt with the possible discriminatory aspects of employer sanctions by requiring the Civil Rights Commission to review the

effects of the law and by creating a Department of Labor/Department of Justice task force to review complaints of discrimination offers possible avenues for minimizing any perceived employment discrimination. I would recommend that these mechanisms be seriously considered along with possible additional safeguards to monitor the operation of sanctions.

As far as legal immigration is concerned, we are in total agreement with the principle that refugee admissions should be outside of any fixed ceiling on numbers of legal immigrants. We must be given flexibility to deal with world crises in a humane manner, and at the same time we need to assure adequate visa numbers for legal entry into the United States under the family reunification and independent immigrant categories.

There is nothing intrinsically wrong with a ceiling -- or a cap -- if that number is high enough and the system is flexible enough to permit accommodation to changing circumstances. A problem arises if the numbers for legal entrants into the U.S. is inadequate for our own national interests.

We often seem to lose sight of the fact that it is clearly in the interests of our nation to accept a substantial number of permanent resident aliens. I think it might be well here to quickly summarize the findings of the Select Commission regarding the positive aspects of legal immigration:

* Immigrants work hard, save and invest and create more jobs than they take. Thus, they contribute to economic growth in the United States. That is true even for refugees although the contribution takes place after a longer period of adjustment.

* Immigrants rapidly pay back into the public coffers more than they take out.

* Immigrants strengthen our pool of younger and middle-aged workers, thus strengthening our social security system and enlarging U.S. manpower capabilities.

* Immigrants strengthen our ties with other nations.

* Immigrants strengthen our linguistic and cultural resources.

* Immigrants and their children embrace American ideals and public values rapidly and help to renew them.

* Immigrants give a brilliant demonstration to the world of the advantages of a free society.

* And finally, the children of immigrants acculturate well to American life and actually seem to be healthier and do better at school on the average than those of native born Americans.

In view of these findings, I urge you to consider admitting slightly more than 425,000 immigrants yearly -- perhaps 475,000 -- annually. By admitting a higher number, we would still be below the historic average, and we would be in a position to accommodate the additional 40,000 visas which I feel should be allocated to both Mexico and Canada.

As I stated last year, "The internal allocation in the proposed legislation between the family reunification category and the independent immigrants, together with the elaborate system of adjustment of

numbers of family members within the country ceilings, needs close scrutiny." It is still my impression that your bill errs on the side of restricting family reunification when this policy is precisely that which we want to preserve.

Ideally, we probably should devise a system which contains a mechanism for flexibility in the ceiling for legal immigration. The Select Commission considered an Immigration Council in its deliberations which would permit adjustment within admission goals set by the Congress. I still think this is a credible idea and would urge this subcommittee to seriously consider its implementation. A small select Council could adjust yearly numbers within a long-range -- perhaps 5 year -- ceiling which Congress would set, thus achieving control, yet retaining managed flexibility in our system.

Finally, I should like to address the issue of asylum procedures and the need -- once again -- to provide all assurances and all remedies for recourse of patterns of discrimination materialize.

The original Simpson-Mazzoli Reform and Control Act recognized the need to improve border enforcement and facilitate the deportation process, keeping fairness in mind. As my fellow Commissioner and Committee member, former Attorney General Benjamin Civiletti said in testifying previously on this issue, "No one can be satisfied with an asylum process which takes years or an immigration status

AMERICAN JEWISH ARCHIVES

which results solely from endless hearings. Increasing both the quantity and quality of judges to hear deportation and asylum cases and curtailing the multiple avenues for appeal, are some methods to cure these ills. . . Fortunately the Simpson-Mazzoli measure recognizes and preserves these values by authorizing constitutionally based challenges and by providing for legal assistance in the asylum process."

Although the bill, as originally introduced, provided for an Immigration Board as an independent appellate body with members appointed by the President, the Simpson bill now places the board under the authority of the Attorney General. This undermines the independence of the Immigration Board and may limit proper review of decisions by administrative law judges. The original conception of the Immigration Board with independent members appointed by the President, seems infinitely preferable.

Additionally, as in the issue of the possible discriminatory effects of employer sanctions, it seems necessary to provide explicit procedures for judicial review in asylum cases, as well. The House Judiciary Committee bill deals more thoroughly and more fairly with judicial review procedures. We would advocate their model as a more desirable approach.

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As we embark on the third year of debate in the Congress over a new immigration policy, it seems well to reflect upon our experience with the Civil Rights Commission. It took the better part of a decade after the Commission issued its report to enact civil rights legislation into law. And of that, about 60% of the Commission's recommendations eventually became law.

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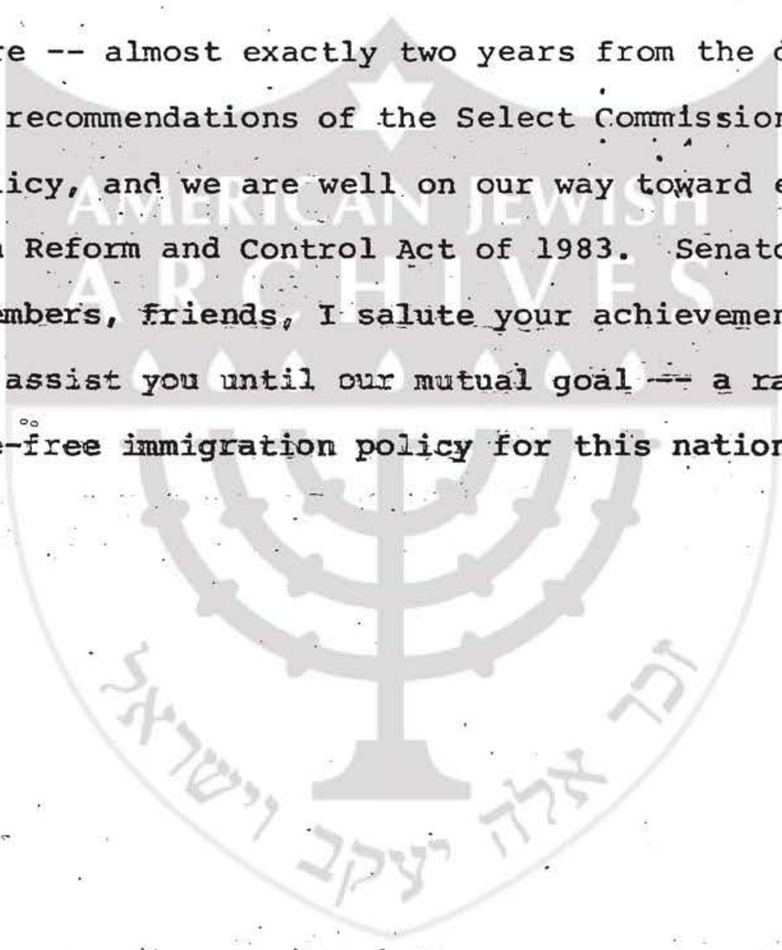

M. Tanenbaum

memorandum

# THE AMERICAN JEWISH COMMITTEE

**date** February 21, 1983

**to** Area Directors & Executive Assistants

**from** Adam Simms

**subject** UPDATE ON IMMIGRATION & REFUGEE LEGISLATION

AMERICAN JEWISH ARCHIVES

## SIMPSON-MAZZOLI IMMIGRATION REFORM AND CONTROL ACT

Our "well-informed sources" tell us to expect that the Simpson-Mazzoli Immigration Reform and Control bill will be reintroduced in both the Senate and House this month. Hearings will start in both chambers in early or mid-March. Since the Senate passed its version of this bill during the last session, action is expected to begin soon after its hearings are held.

As was the case the last time the Senate considered this measure, it is expected that Sen. Huddleston and others will again introduce amendments to place a cap on the number of refugees that can be admitted. You will remember that AJC previously opposed this measure, and that you were asked to convey our views to your state's U.S. Senators. With your help, the refugee cap was rejected last year. Please be advised that you will be asked to convey similar communications when the appropriate occasion arises.

## REFUGEE ACT REAUTHORIZATION

The Refugee Act of 1980, which determines the definition of who is to be considered a refugee, as well as the number of refugees to be admitted to the United States each year, must be reauthorized by Congress this year. AJC strongly supported its passage 3 years ago.

Five key issues may come up when Congress begins discussion on reauthorization, and you may be called upon for assistance at the appropriate time:

1. an effort may be made to narrow the current definition of "refugee"
2. funding requests for refugee resettlement programs may be cut

(over)

3. admissions numbers may be cut

4. a Huddleston-type amendment to place a cap on refugee numbers may be introduced

5. an amendment may be introduced to permit one chamber of Congress to veto any proposal concerning annual admissions numbers

As the situation develops, we will keep you advised about our needs to interpret AJC policy on these issues.

Best regards, as always; and if you have any questions, please call.

83/623/4

**THE AMERICAN JEWISH COMMITTEE**

**memorandum**

**date** May 31, 1985

**to** Area Directors

**from** Sonya F. Kaufer

**subject**

The issue of asylum for Salvadoran refugees has been in the news for weeks and weeks and is likely to remain of interest for some time. For the AJC it is part of our concern with the treatment of refugees and with immigration policy as well.

Please keep the clips coming.

Regards.

Sonya

sfk/dr
85-965-26
att.

THE AMERICAN JEWISH COMMITTEE
VIEWPOINT
INFORMATION AND OPINION TO PONDER AND SHARE
PUBLICATIONS SERVICE
SONYA KAUFER, Director

AMERICAN JEWISH ARCHIVES

FAIR TREATMENT FOR SALVADORAN ASYLUM SEEKERS

How the United States reacts to Salvadorans seeking safety in the U.S. from civil strife in their homeland will tell much about how dedicated we Americans remain to our country's proud tradition as a land of refuge.

The U.S. now refuses to grant asylum to most Salvadorans who seek at least temporary haven in the United States, even though many claim that their lives would be threatened by the contending militias battling for their villages.

In truth, there are conflicting reports about the actual danger these people face if they are returned to El Salvador -- and that's why the DeConcini-Moakley Bill now before Congress makes so much sense. The proposed legislation would halt the forcible return of Salvadorans to their homeland until the General Accounting Office can determine if it would really be dangerous for them to go back.

This country ought not to send people back to where they are likely to be killed. To avoid this, we need, and should collect, accurate data on which to base our asylum decisions. That's the fair and efficient way to handle this difficult problem.

THE AMERICAN JEWISH COMMITTEE, Institute of Human Relations, 165 East 56 Street, New York, N.Y. 10022

NEWS FROM THE COMMITTEE

ajc THE AMERICAN JEWISH COMMITTEE Institute of Human Relations, 165 E. 56 St., New York, N.Y. 10022, (212) 751-4000

The American Jewish Committee, founded in 1906, is the pioneer human-relations agency in the United States. It protects the civil and religious rights of Jews here and abroad, and advances the cause of improved human relations for all people.

*MORTON YARMON, Director of Public Relations*

**FOR RELEASE AFTER 12 NOON**
**THURSDAY, MARCH 15, 1985**

PARIS, March 15...One of the nation's top experts on refugee and asylum issues today urged "a coalitional strategy" that would include joint pressure on the general American public for "a generous policy of rescuing people fleeing persecution in their homelands" by Hispanics, Poles, Asians, Blacks, Jews, Catholics and Protestants, among others.

Gary Rubin, Deputy Director of National Affairs of the American Jewish Committee and Director of its Center on Immigration and Acculturation, speaking at a conference on asylum in the U.S. and France sponsored by the Columbia University Center on Human Rights, said that "the dimensions of the current crisis are becoming increasingly severe," with the U.S. accepting only one-third as many refugees from abroad as it did five years ago, a decline from more than 200,000 in 1980 to 70,000 today.

"Moreover," he continued, "we are almost routinely turning away people who flee oppression and come directly to the U.S. and request asylum. It makes little difference from where they come: acceptances are low from Nicaragua, El Salvador, Poland, Ethiopia, and elsewhere."

Mr. Rubin pointed out that supporters of "a more generous asylum and refugee policy" were fragmented and unable to develop an overall strategy. "Each group seeking asylum," he explained "has its own advocates in the U.S., but they have tended to argue narrowly for people of concern to them and have not coordinated their efforts."

In answering this, Mr. Rubin suggested the following: "The refugee and asylum field today needs a coalitional strategy. Advocates of various groups of refugees must come to see that they are all supporting broad principles of rescue of people in danger. They need to become more active in working together to achieve generosity in U.S. refugee policy. Combining their efforts will result in more progress on this issue than continuing several separate, uncoordinated campaigns.

"One end to which coalitional efforts need to be aimed is the development of new legislation on asylum in the U.S. The AJC has developed legislative proposals to allow for more fair and objective asylum decisions and will be seeking over the next years to move these ideas in Congress."

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Howard I. Friedman, President; Theodore Ellenoff, Chair, Board of Governors; Alfred H. Moses, Chair, National Executive Council; Robert S. Jacobs, Chair, Board of Trustees.
David M. Gordis, Executive Vice-President

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*MORTON YARMON, Director of Public Relations*

FOR IMMEDIATE RELEASE

NEW YORK, May 31....The American Jewish Committee has joined with the Japanese American Citizens League in urging the U.S. District Court in Western Washington State to hold a full hearing and address the Constitutional concerns in the case of Gordon Hirabayashi, a Japanese American found guilty of resisting a World War II evacuation order back in 1942. It is not enough, in the view of the two groups, merely to vacate his unjust conviction and thus end the matter.

In a joint amicus brief, counsel for the two organizations point out that Japanese Americans have been trying to educate both the general public and the nation's lawmakers that "a tragic mistake" was made when the government interned 120,000 men, women, and children of Japanese descent after the attack on Pearl Harbor in December 1941.

The brief argues that the Federal courts, in upholding what counsel charge was "a racially discriminatory military curfew order," supported the principle that such an order could be carried out by the military outside Constitutional constraints and without a declaration of martial law.

"This court must address these concerns," assert G. Tim Gojio, staff counsel of the Japanese American Citizens League, and Samuel Rabinove, legal director of the American Jewish Committee, in stating that "the 1942 conviction of Gordon Hirabayashi must be overturned." Said Mr. Rabinove: "The AJC believes that the treatment of Japanese Americans, two-thirds of whom were American citizens, during World War II was a national disgrace."

Mr. Hirabayashi is one of three Japanese Americans who have been seeking to reopen the landmark U.S. Supreme Court decisions that upheld the evacuation and internment of Japanese Americans after war broke out between the U.S. and Japan.

The three petitioners -- Minuru Yasui and Fred Korematsu, along with Mr. Hirabayashi -- allege that U.S. War Department officials altered, withheld, and destroyed evidence relating to the loyalty of Japanese Americans, and that Navy and FBI reports indicating that there was no military necessity for the evacuation of Japanese Americans from the Western states of the U.S. were suppressed, so as to influence the Supreme Court to uphold the constitutionality of the evacuation and internment.

/more/

Howard I. Friedman, President; Theodore Ellenoff, Chair, Board of Governors; Alfred H. Moses, Chair, National Executive Council; Robert S. Jacobs, Chair, Board of Trustees.
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In May 1984, Judge Robert Voorhees denied the Government's motion to summarily vacate Mr. Hirabayashi's conviction, and set an evidentiary hearing for June 17, 1985, on his petition for a writ of error coram nobis.

In the case of Fred Korematsu, in which the JACL and the AJC were also involved, Judge Marilyn Patel of the U.S. District Court in San Francisco has written an opinion to the effect that there was government wrong doing in letting his conviction stand. As for Minoru Yasui, Judge Robert Belloni granted both his petition for a writ of error and the Government's motion to vacate his conviction. Mr. Yasui has also asked for an evidentiary hearing.

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NEWS FROM THE COMMITTEE

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*MORTON YARMON, Director of Public Relations*

FOR IMMEDIATE RELEASE

NEW YORK, May 30 ... The American Jewish Committee today told Senator Alan K. Simpson that it looked to him for continued leadership in the "difficult, critical" field of immigration reform, but added its "disappointment" with immigration legislation the Wyoming Republican had recently introduced.

In a letter to Senator Simpson, Howard I. Friedman, AJC President, explained that his organization "strongly believes that immigration reform is necessary to preserve continued generous entry policies for the U.S." and for this reason had led public discussions last year of the Simpson-Mazzoli Bill.

But the new legislation, Mr. Friedman continued, "falls far short" of this original bill, which won approval both of the Senate and the House of Representatives.

That legislation, Mr. Friedman wrote, "proposed an efficient and humane legalization program" for undocumented aliens now in the U.S. that would go into effect at the same time as provisions for employer sanctions. He added: "This established a balance in the legislation that would both treat undocumented aliens currently in the U.S. fairly and aid enforcement efforts by allowing the Immigration and Naturalization Service to concentrate its operations on using new mechanisms in the bill to prevent future illegal entry."

The new version of the Simpson bill, Mr. Friedman asserted, loses these advantages:

* "Its 1980 cut-off date for legalization would eliminate many undocumented aliens from its coverage and would therefore not accomplish the goal of resolving the status of this population."

* "Its provision for delaying legalization until an appointed panel can confirm that employer sanctions are working will upset the balance of the original legislation and force the Immigration and Naturalization Service to devote resources to apprehending people already integrated into our society."

* Since "temporary labor both presents an opportunity for exploitation and introduces a large group of people into the country who can work here but never

- more -

Howard I. Friedman, President; Theodore Ellenoff, Chair, Board of Governors; Alfred H. Moses, Chair, National Executive Council; Robert S. Jacobs, Chair, Board of Trustees.
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CSAE 1707

become part of our social or political system," AJC does not support the temporary labor provisions in the new bill, which, Mr. Friedman stated, "are more expansive than in the legislation you originally introduced."

Mr. Freidman concluded in his note to Senator Simpson: "AJC looks forward to continuing work with you on our common goal of developing a fair, humane, and effective immigration system for our country."

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REFUGEES / IMMIGRATION (L)

# NEWS FROM THE COMMITTEE

THE AMERICAN JEWISH COMMITTEE Institute of Human Relations, 165 E. 56 St., New York, N.Y. 10022, (212) 751-4000

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*MORTON YARMON, Director of Public Relations*

FOR IMMEDIATE RELEASE

NEW YORK, Dec. 13...The American Jewish Committee today urged the House of Representatives to approve legislation that would, if enacted, allow the number of refugees admitted to the United States to remain flexible, retain regulations that seek to reunify families, and grant amnesty to certain immigrants who entered the country illegally.

Declaring that these three provisions would "establish an orderly flow of entrants to the United States in a fashion consistent with the best humanitarian traditions and foreign-policy interests of the United States," the human relations agency called the House Judiciary Committee's version of the Simpson-Mazzoli Immigration Reform and Control Bill, which contains the three provisions, a "landmark measure."

AJC's views were expressed in a letter to Peter W. Rodino, Jr., Chairman of the House Judiciary Committee, from Donald Feldstein, AJC Executive Vice President. The letter makes these points:

(1) "AJC strongly endorses the House Judiciary Committee's decision to recommend that the number of refugees admitted to the United States each year be kept separate from the number of other immigrants allowed into the country. To combine the two categories would, under certain circumstances, close off avenues of escape to safe havens and force refugees to remain in situations in which their lives are endangered.

"It would also lead to undesirable competition among this nation's ethnic and religious groups, who would feel compelled to contend for preference in admission for their counterparts abroad; and would reduce the flexibility of our State Department and Immigration and Naturalization Service to pursue our nation's interests abroad."

-more-

Maynard I. Wishner, President; Howard I. Friedman, Chairman, Board of Governors; Theodore Ellenoff, Chairman, National Executive Council; Robert L. Pelz, Chairman, Board of Trustees.
Donald Feldstein, Executive Vice President

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(2) Current regulations that facilitate reunification of American citizens with their close relatives from abroad "are an expression of our nation's belief in the vital role that healthy and stable family lives and family values play in the creation of a free, productive, and humanitarian society such as ours."

(3) A system designed to grant legalization and amnesty to immigrants who entered the U.S. illegally before certain dates "would be both practical and generous....and would allow those who have established productive lives here to continue contributing to this society, free from fear of removal and disruption."

Founded in 1906, the American Jewish Committee is this country's pioneer human relations organization. It combats bigotry, protects the civil and religious rights of Jews at home and abroad, and seeks improved human relations for all people everywhere.

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Metropolitan Museum 82

AMERICAN JEWISH COMMITTEE, 165 East 56th Street, New York, N.Y. 10022

AMERICAN JEWISH CONGRESS, 15 East 84th Street, New York, N.Y. 10028

JEWISH COMMUNITY RELATIONS COUNCIL OF NEW YORK, 111 West 40th Street, New York, N.Y. 10018

FOR IMMEDIATE RELEASE

NEW YORK, Feb. 24 ... The following statement was issued today by three organizations -- the American Jewish Committee, the American Jewish Congress, and the Jewish Community Relations Council of New York -- on the rejection of an Israeli exhibit by the Metropolitan Museum of Art:

"We express our dismay and outrage at the reported decision by the Metropolitan Museum of Art to refuse to sponsor an archeological exhibit from Israel ostensibly because it would be inappropriate to include artifacts originating from territory in the disputed West Bank. We find it most deplorable that the Metropolitan should take such a narrow political view regarding an outstanding cultural exhibit that is intended to illustrate the development of civilization in the Holy Land from earliest times through the Crusades and includes materials of Jewish, Christian and Islamic significance. Nor are we impressed by the museum's effort to shunt its own responsibility onto a national institution.

"The Metropolitan in the past has shown many other exhibits from countries and regions involved in current political controversy. It is therefore all the more unconscionable that an institution of the Metropolitan's stature should lend support in any way to the campaign of those who would seek to delegitimize the State of Israel. In the Metropolitan's stated effort to avoid political controversy, the museum has in fact needlessly allowed itself to be drawn into current issues of dispute.

"We urge the Metropolitan to reconsider its partisan position and to adopt the more enlightened approach of recognizing that these Israeli archeological treasures have become part of the cultural inheritance of all humanity."

The statement was signed, on behalf of their respective organizations, by James G. Greilsheimer, President, New York Chapter, American Jewish Committee; Jeffrey H. Gallet, President, Metropolitan Council, American Jewish Congress; and Lawrence A. Tisch, President, Jewish Community Relations Council of New York.

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A, EJP

AMERICAN JEWISH ARCHIVES

Refugees
Immigration

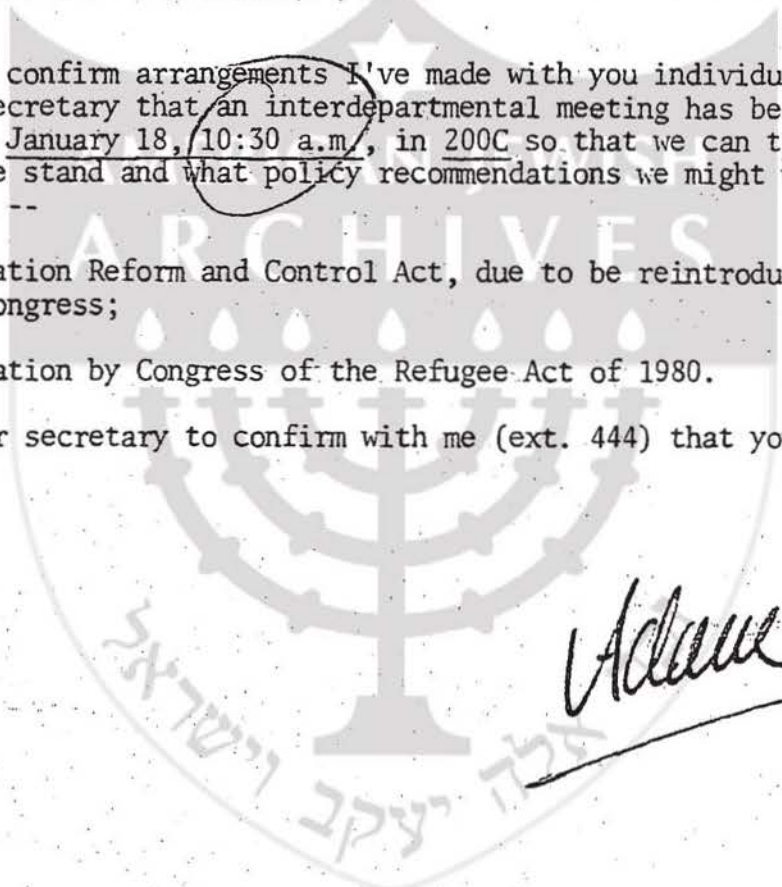
**THE AMERICAN JEWISH COMMITTEE**

**date** January 11, 1983

**to** A. Karlikow, M. Tanenbaum, I. Levine, S. Samet, S. Rabinove, H. Applebaum

**from** Adam Simms

**subject** Immigration and Refugee Matters



I just wish to confirm arrangements I've made with you individually or through your secretary that an interdepartmental meeting has been set up on Tuesday, January 18, 10:30 a.m., in 200C so that we can together review where we stand and what policy recommendations we might wish to make regarding --

1. the Immigration Reform and Control Act, due to be reintroduced in the 98th Congress;

2. reauthorization by Congress of the Refugee Act of 1980.

Please ask your secretary to confirm with me (ext. 444) that you will attend.

Best regards.

Adam

AS:mr

cc
D. Feldstein
H. Bookbinder
H. Kohr

FROM....

F- Refugees / Immigration

**HYMAN BOOKBINDER**

February 5, 1982

To: Marc Tanenbaum

After getting your letter about Nina Solarz' program, I called her at once - she's a good friend -- told her about your follow-through, and told her the following: One of my fondest memories, and proudest achievements, is the day many, many years ago when I testified before Congress on immigration reform on bahalf of the labor movement. I started my statement by slowly reading off the names of about 25 men, each with an obvious foreign name. And then I asked: Now what do you think all these men have in common? I paused and answered the question myself: They are all winners of the Congressional Medal of Honor! The rest of my testimony was lame by comparison.

Nina was pleased to get the call and to hear my story. In fact, she said, she'd already thought of doing something with Congressional Medal winners and will now definitely pursue this one.

As I think of other things, I'll share them with you and Nina...

Bookie

CONNER
REFUGEES
IMMIGRATION

May 26, 1982

Mr. Roger Conner
Executive Director
Federation for American
Immigration Reform
2028 P Street, NW
Washington, D.C. 20036

Dear Mr. Conner,

AMERICAN JEWISH ARCHIVES

Thank you for your recent letter of May 20th and the enclosed copy of the advertisement that appeared in THE NEW YORK TIMES.

In reviewing the substance of the positions that your organization has been taking I must ask you to withdraw my name from any further use in connection with any other public or private statements. The general approach which you have been taking as well as the positions of a number of people who have signed the advertisement contradicts those which have been taken by my organization as well as by myself personally.

Sincerely yours,

Rabbi Marc H. Tanenbaum
National Director
Interreligious Affairs

MHT:RPR

bc: Bookie, S. Samet, Irv Levine, Leo Cherne

REFUGEES / IMMIGRATION

CITIZENS' COMMITTEE FOR IMMIGRATION REFORM

SUITE 1000 • 1828 L STREET, N.W.
WASHINGTON, D.C. 20036
(202) 331-1759

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NINA K. SOLARZ
Executive Director

September 24, 1982

Rabbi Marc H. Tanenbaum
National Director
Interreligious Affairs
American Jewish Committee
165 East 56th Street
New York, New York 10022

Dear Rabbi Tanenbaum:

The House Judiciary Committee recently completed its deliberations on the Simpson-Mazzoli Immigration Reform and Control Act of 1982, and I know that you will be interested in the Committee's activities. The Judiciary Committee spent almost five days discussing the bill, and debated all of the major issues contained in the proposal. A number of significant changes were made in the version which was passed by the House Subcommittee on Immigration, Refugees and International Law, including the following:

* Chairman Peter Rodino (D-NJ), restored the current immigration quota and preference system instead of Chairman Mazzoli's substitute version which modified the existing preferences and provided a 450,000 ceiling on legal immigration;

* The legalization program will now give temporary resident status to those who arrived here before 1980 and permanent resident status to those who arrived here before 1978, as in the Senate bill. An amendment offered by Don Edwards (D-CA) passed which expressed the sense of Congress that the Federal government will reimburse the states for the costs incurred in the legalization program "to the extent that such funds are available";

* The employer sanctions provisions were amended to apply to <u>all</u> employers who knowingly hire undocumented workers, including employers of three or fewer illegal aliens, although those employers will be excused from record-keeping, with a graduated schedule of fines from a citation through two levels of civil penalties and finally to criminal penalties;

* A provision for access to appeal in the circuit court in asylum proceedings was added to the bill;

* An identification system for work purposes only, to be developed within three years, was included in the bill but there is explicit languge stating that this system is for employment purposes only and it is not the intention of Congress to create a national identification system;

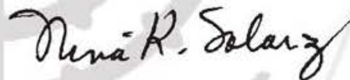
* Chairman Mazzoli fashioned a compromise on the temporary worker program which essentially places the program under the jurisdiction of the Secretary of Labor and permits the Secretary wide latitude in determining the length of stay for temporary residents and areas of employment.

Since there is so little time left in the current Congressional session before the members adjourn for the November elections, it appears highly unlikely that the full House will have time to consider the Simpson-Mazzoli Act. Even if the House were to begin debating the bill, it is bound to create so much intense debate that the odds against it being passed intact by the House are great. It could be considered in a lame-duck session, but it may have to be re-introduced and debated all over again next Spring.

Of course, the Citizens' Committee will have a very important role to play if enactment of the legislation is delayed. This will give us ample opportunity to work on changing those sections of the bill which seem undesirable, and we will use the coming months to expand and continue our efforts at educating the general public and members of Congress.

I have enclosed an analysis of the debate which appeared in The Los Angeles Times on September 23. Of course, I would welcome your thoughts and suggestions on anything the Citizens' Committee might do in its continuing effort to formulate a rational, just, humane and race-free immigration and refugee policy.

Sincerely,



Nina K. Solarz
Executive Director

Enclosures

P.S. As of October 1, our new address will be 1424 Sixteenth Street, N.W., 4th Floor, Washington, D.C., 20036. As of yet we do not have a new phone number, but I will inform you when we receive it.

AMERICAN JEWISH ARCHIVES

[start]

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Los Angeles Times
Thursday, September 23, 1982

# Immigration Reform Sent to House Floor

By LEE MAY, *Times Staff Writer*

WASHINGTON—After four days of bitter struggle, the House Judiciary Committee on Wednesday approved the most sweeping reform of immigration law in 30 years.

Despite repeated attacks, several controversial provisions survived in the bill, sent by voice vote to the full House. Among the provisions is one granting amnesty to millions of undocumented aliens already in the country. Another calls for civil penalties against employers who knowingly hire illegal aliens.

Rep. Romano L. Mazzoli (D-Ky.), chief House sponsor of the bill, argued passionately for the legislation in the face of a last-minute attempt to send it back to a subcommittee. The motion by Rep. Sam B. Hall Jr. (D-Tex.) was rejected 15 to 13.

Mazzoli said the measure, similar to one already passed in the Senate, is "balanced, sensible, humane and workable."

Supporters of the legislation now fear it will be threatened on the House floor by an amendment calling for reimbursement to states that provide massive social services to the newly legalized aliens.

The amendment, sponsored by California Rep. Don Edwards (D-San Jose), would provide the reimbursements "subject to available appropriations," Edwards said.

After the Judiciary Committee approved the bill, Chairman Peter W. Rodino Jr. (D—N.J.) told reporters that "the mere fact that we talk about reimbursement will scare away votes on the House floor." He added that he expects the provision to be knocked out before the legislation wins House approval. Edwards earlier had sought 100% reimbursement but settled for the weaker version.

The legislation uses a "two-tiered system" of amnesty for the millions of illegal aliens affected by the bill.

Those who arrived in the United States before Jan. 1, 1977, would become permanent resident aliens. Those who came between that date and Jan. 1, 1980, would be granted temporary resident status. Both groups would be denied federal benefits such as food stamps for three years.

**Senate Passed Bill**

The amnesty dates, coincide with a Senate bill passed last month by a vote of 80 to 19.

No one has been able to say how much the amnesty program will cost states whose officials fear numerous claims of health and education benefits, thereby exacerbating already-strained budgets.

Under the bill, states will furnish social benefits under block grants. But Edwards, arguing for federal reimbursement, said, "Anybody who tells me that block grants are going to pay these costs is dreaming."

Rep. Hamilton Fish Jr. (R-N.Y.) said the cost "would nowhere match the social cost of continuing the underclass of undocumented aliens in this country."

Sponsors said they hope the House can take up the bill next week. But they conceded that chances are bleak for completing congressional action before a recess next month for November election campaigns.

AMERICAN JEWISH ARCHIVES

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REFUGEES
IMMIGRATION

memorandum

THE AMERICAN JEWISH COMMITTEE

**date** September 28, 1982

**to** Selma Hirsh

**from** Adam Simms

**subject** Chairmanship of Immigration & Refugee Policy Task Force

I understand that consideration is being given to selection of a new chairperson to succeed Lester Hyman.

The purpose of this memo is to raise a consideration about the timing of any new appointment that is decided upon.

I suggest that any new appointment be made only after the current Congress adjourns. If the current proposal now before the House passes that body, it will have to go to a Senate-House reconciliation conference, since there will be major differences in the versions passed by each house. And given the current calendar of both houses, such a conference will have to take place during a lame-duck session, sometime in November-December.

If the legislation is taken up during this time, I believe it wise to maintain Lester as our chair. First, he'll be close at hand in Washington. Second, there's the "don't change horses in midstream" consideration. Lester's familiar with the development of AJC's position toward the issues under consideration and has previously testified before Congress on them.

If the legislation fails to pass during the lame-duck session, then it may well be "back to the drawing board", with the possibility that major portions of the bill will be redrafted from scratch. I think it would be entirely appropriate in that case to start with a new task force chair.

Best wishes.

AS/ea

cc: Seymour Samet
Irving Levine
Abraham Karlikow
Marc Tanenbaum ✓

AMERICAN JEWISH ARCHIVES

NEWS FROM THE COMMITTEE

THE AMERICAN JEWISH COMMITTEE Institute of Human Relations, 165 E. 56 St., New York, N.Y. 10022, (212) 751-4000

The American Jewish Committee, founded in 1906, is the pioneer human-relations agency in the United States. It protects the civil and religious rights of Jews here and abroad, and advances the cause of improved human relations for all people.

MORTON YARMON, Director of Public Relations

Refugees

file

FOR IMMEDIATE RELEASE

NEW YORK, June 26 ... A specialist in immigration and ethnicity has urged American policymakers concerned with bilingual education, immigrant resettlement, and language teaching to recognize that language is "invested with deeply felt social and cultural meanings," and to forge language policies that "come to grips with this reality."

Moreover, maintains Gary Rubin, Program Specialist of the Institute on Pluralism and Group Identity of the American Jewish Committee, the United States should view immigrants "not just as people who need to learn a new language, but also as assets whose native linguistic skills can be resources" for this country.

Mr. Rubin's views are contained in an article on "Language Policy and the Refugees," which has just been published in The Journal of Refugee Resettlement.

Pointing out that today's newcomers to the United States include "more types of people, speaking a greater variety of languages" than any previous immigrant group in America's history, Mr. Rubin asserts that Americans have reacted with "ambivalence and confusion" to this "level of linguistic pluralism."

"Bitter disputes," he continues, "have broken out on issues such as bilingual education and linguistic requirements for citizenship.... Language policy has...become one of the most emotional topics now before the American public."

To deal more effectively with the tensions surrounding linguistic issues, continues Mr. Rubin, government and civic leaders must understand the emotional and cultural implications of language. "Most current policy discussions," he says, "assume that speech is merely a convenient vehicle for describing an objective world," but, he goes on, language studies "argue against this assumption."

-more-

Maynard I. Wishner, President; Howard I. Friedman, Chairman, Board of Governors; Theodore Ellenoff, Chairman, National Executive Council; Robert L. Pelz, Chairman, Board of Trustees.
Bertram H. Gold, Executive Vice President

Washington Office, 818 18th St., N.W., Washington, D.C. 20006 • Europe hq.: 4 Rue de la Bienfaisance, 75008 Paris, France • Israel hq.: 9 Ethiopia St., Jerusalem, 95149, Israel
South America hq.: (temporary office) 165 E. 56 St., New York, N.Y. 10022 • Mexico-Central America hq.: Av. E. National 533, Mexico 5, D.F.

CSAE 1707

He then cites several studies that indicate that different languages "are not merely [different] methods for expressing common thoughts, but are reflections of the ways that...distinct cultures view society and nature"; that learning a new language means "not only using new words [but] learning to think in a completely new way," and that an individual's total perception of himself is shaped by the language he uses.

Mr. Rubin's article concludes by recommending that policymakers concerned with acculturation and language do the following:

* Recognize the emotional and social factors inherent in language and take these factors into account when planning their strategies.
* Understand that "the transition from one language to another must be...a gradual process," and plan programs that aim at "gradual mastery of the new language, while recognizing the value of the old."
* Recognize that our national lack of competence in foreign languages impairs "not only our ability to converse with others but also our capacity to grasp their opinions and goals"; and that "immigrants and refugees, who bring...a different and fresh view of the world, can...broaden...the nation's vision [and help us] relate to other cultures and societies with appreciation."

Founded in 1906, the American Jewish Committee is this country's pioneer human relations organization. It combats bigotry, protects the civil and religious rights of Jews at home and abroad and seeks improved human relations for all people everywhere.

* * * *

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AMERICAN JEWISH ARCHIVES

**FEDERATION for AMERICAN IMMIGRATION REFORM**
2028 P Street, NW
Washington, DC 20036 (202) 785-3474

May 20, 1982

Rabbi Marc Tanenbaum
165 East 56th Street
New York, New York 10022

Dear Rabbi Tanenbaum:

I am sure that you'll be pleased to know that we were able to run the "Open Letter To Congress" ad again, in a much larger format, in the New York Times on May 11.

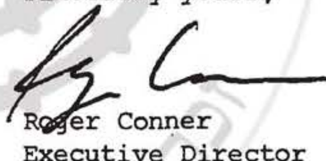
AMERICAN JEWISH ARCHIVES

I am enclosing a copy of the ad. As you will note, the list of distinguished signatories has grown quite a bit longer.

Once again, reaction to the ad has been very favorable. It illustrates the very broad based support in the country for sensible immigration reforms -- a lesson that will hopefully not be lost on decision-makers in the Congress and in the Administration.

Thank you so much for your cooperation on this project.

Sincerely yours,



Roger Conner
Executive Director

RC/uu

Enclosure

BOARD OF DIRECTORS: JOHN TANTON, Chairman; SHARON BARNES, OTIS GRAHAM, WILLIAM PADDOCK, SIDNEY SWENSRUD; ROGER CONNER, Executive Director

# The American Jewish Committee

Institute of Human Relations • 165 East 56 Street, New York, N.Y. 10022 • 212/751-4000 • Cable Wishcom, N.Y.

May 26, 1982

Mr. Roger Conner
Executive Director
Federation for American
Immigration Reform
2028 P Street, NW
Washington, D.C. 20036

Dear Mr. Conner,

Thank you for your recent letter of May 20th and the enclosed copy of the advertisement that appeared in THE NEW YORK TIMES.

In reviewing the substance of the positions that your organization has been taking I must ask you to withdraw my name from any further use in connection with any other public or private statements. The general approach which you have been taking as well as the positions of a number of people who have signed the advertisement contradicts those which have been taken by my organization as well as by myself personally.

Sincerely yours,

Marc H. Tanenbaum

Rabbi Marc H. Tanenbaum
National Director
Interreligious Affairs

MHT:RPR

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M. Tanenbaum

Refugees
Immigration

# THE AMERICAN JEWISH COMMITTEE

memorandum

**date** August 4, 1982

**to** Area Directors and Executive Assistants

**from** Adam Simms

**subject** Immigration Legislation in the U.S. Senate

To follow up on the memo sent on July 29 regarding refugee matters when the Senate takes up the Simpson-Mazzoli legislation later this month, I thought you would be interested in seeing the attached letter from the Citizens Committee for Immigration Reform.

A copy of this letter was sent to each U.S. Senator on July 30. Howard Kohr, of our Washington office, was instrumental in developing the text. Working with Howard, David Roth, of our IPGI office in Chicago, and I helped to round up support from a number of the ethnic organizations listed.

Thanks for the aid you've provided in letting your area's Senators know of AJC's views.

Best regards.

AS/ea
enc.

82-623-21

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CITIZENS' COMMITTEE FOR IMMIGRATION REFORM

SUITE 1000 • [illegible]
WASHINGTON, D.C. [illegible]
(202) 331-1756

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[illegible] H. Tanenbaum
[illegible] Ullman
Franklin Williams
Leonard Woodcock
[illegible] J. Wycislo

[illegible] K. SOLARZ
Executive Director

July 30, 1982

Honorable Barrry Goldwater
337 Russell Office Bldg.
Washington, DC 20510

Dear Senator:

We the undersigned wish you to be aware of our strong opposition to the proposed Huddleston amendment to the Simpson/Mazzoli immigration reform bill (S-2222). Senator Huddleston's amendment would include refugees and asylees who may be resettled in the U.S. along with all other immigrants to the U.S. under a single numerical limitation.

Traditionally immigrant and refugee admissions procedures have been separated because their underlying bases have been recognized as distinct. The concept of a single ceiling is seductively simple, but its implications hold serious threats. The combined approach to admissions has been considered and rejected by the Select Commission on Immigration and Refugee Policy and all other responsible authorities who have studied the matter in recent years.

This letter does not concern any particular level of refugee admissions, but rather the way the U.S. makes its decisions regarding admissions. Refugee resettlement has clear immigration impact which must be acknowledged directly and dealt with constructively. But the purposes, implications, and international outcomes of the two admissions processes are completely distinct. Whereas general immigration largely relates to family reunion, the rescue and resettlement of refugees is largely a human rights effort with major foreign policy and international humanitarian implications.

If a single numerical ceiling for immigrant and refugee admissions becomes law, we believe there would be four major unacceptable results:

1. Enactment would significantly limit the flexibility needed by the President to respond promptly to foreign policy matters in which refugees are a factor.

2. This restricted ability to negotiate and respond would seriously undercut U.S. leadership in humanitarian, human rights, and related foreign policy areas.

3. A single numerical ceiling would be devisive domestically. Limited and undifferentiated numbers would pit those seeking to respond to refugee needs against nationality groups and those seeking to reunite families. Congress must be responsive to both groups, but through separate processes.

- more -

AMERICAN JEWISH ARCHIVES

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4. Enactment of a single numerical ceiling would send a chilling message to the international community. The important principles of refugee protection are under assault in many areas. Enactment now of such a restrictive amendment would further compromise the remainng moral leverage the U.S. has with the rest of the world in matters of refugee protection.

For these reasons, we believe it is imperative that the Huddleston amendment not be adopted. Your support of our position will be appreciated.

Sincerely,

American Council for Nationalities Service
American Fund for Czechoslovak Refugees
American Committee on Italian Migration
American Jewish Committee
Anti-Defamation League of B'nai B'rith
Buddhist Council for Refugee Rescue & Resettlement
Church World Service of the National Council of Churches
Citizens' Committee for Immigration Reform
Citizens' Commission on Indochinese Refugees
Council of Jewish Federations
Freedom House
HIAS (Hebrew Immigrant Aid Society)
Hellenic-American Neighborhood Action Committee
Indochinese Refugee Action Center
International Rescue Committee
Lutheran Immigration & Refugee Service
Migration & Refugee Service, U.S. Catholic Conference
National Conference for Social Welfare
National Italian-American Foundation
Polish American Immigration & Relief Committee
The Presiding Bishop's Fund for World Relief — The Episcopal Church
Tolstoy Foundation
United Hellenic American Congress
Vietnamese American Cultural Organization
World Relief of the National Association of Evangelicals
YMCA of the USA

AMERICAN JEWISH ARCHIVES

REFUGEES
IMMIGRANTS

**FEDERATION for AMERICAN IMMIGRATION REFORM**
2028 P Street, NW
Washington, DC 20036 (202) 785-3474

March 1, 1982

Rabbi Marc Tanenbaum
165 East 56th St.
New York, NY 10022

Dear Rabbi Tanenbaum:

Governor Lamm asked me to send you a copy of the printed "Open Letter to Congress" message, which appeared in the Washington Post on Monday, February 22. As you know, the advertisement was a call to action on immigration reform legislation, which you endorsed.

I am pleased to report that the ad has indeed been noticed by key members of Congress, by senior Committee staffers, and by important Administration policy-makers. We have heard many favorable comments about the ad, its moderate yet persuasive tone, and the high caliber of support it attracted, as evidenced by the list of signatories.

These very positive reactions are most encouraging. We would like to run the message soon again, as a full page advertisement in the New York Times. Should we be able to raise the necessary money for it in the near future, we shall certainly proceed to carry out this project.

Many thanks for your cooperation, which is greatly appreciated.

Sincerely yours,

Roger Conner
Executive Director

RC:las

Enclosure

**BOARD OF DIRECTORS:** JOHN TANTON, Chairman; SHARON BARNES, OTIS GRAHAM, WILLIAM PADDOCK, SIDNEY SWENSRUD; ROGER CONNER, Executive Director

Bradley
Refugee
Immigration

January 28, 1982

The Rev. Harold Bradley, SJ
Director
Center for Immigration Policy
and Refugee Assistance
Georgetown University
Washington, D.C. 20057

Dear Father Bradley,

Thank you very much for your warm and thoughtful letter of January 15th in which you invite me tottake part in the public meeting on immigration policy to be held at Georgetown University on February 4th.

Under normal circumstances I would have been happy to join you at this potentially important meeting. It happens that I will be giving a series of lectures at Fort Ord, California, on February 3rd and 4th and therefore it will not be possible for me to attend.

I have taken the liberty of sharing a copy of your invitation with two of my colleagues at the American Jewish Committee who are centrally involved in immigration and refugee issues; namely, Irving Levine, director of IPGI and Gary Rubin, our specialist in immigration matters.

I have asked them to contact you with a view toward their possible participation in this consultation.

With warmest good wishes, I am,

Sincerely yours,

Rabbi Marc H. Tanenbaum
National Director
Interreligious Affairs

MHT:RPR

Enclosures

bc: Irving Levine, Gary Rubin

GEORGETOWN UNIVERSITY
WASHINGTON, D.C. 20057

CENTER FOR IMMIGRATION POLICY
AND REFUGEE ASSISTANCE

TELEX: 64544 GUOIP

January 15, 1982

Dear Colleague:

You are probably aware that soon after Congress reconvenes, Senator Alan K. Simpson, Chairman of the Subcommittee on Immigration and Refugee Policy of the Committee on the Judiciary, intends to introduce a comprehensive immigration bill. He expects to schedule a series of hearings, report legislation out of committee, and push for consideration by the full Senate early this spring. There is less certainty about House action, but it is possible that before summer this Congress will give immigration issues serious consideration.

Although Senator Simpson's proposed legislation will reflect the recommendations of his hearings, the Select Commission on Immigration and Refugee Policy and President Reagan's Task Force on Immigration and Refugee Policy, it is appropriate for those most knowledgeable and affected by immigration policy to meet and hold a serious discussion of specific legislative proposals and alternative approaches. For this reason, the Center for Immigration Policy and Refugee Assistance at Georgetown University is inviting you to attend a public meeting on immigration policy to be held at the University on February 4, 1982. Others who have been invited are representatives of labor unions, state and local governments, agencies of the Roman Catholic, Protestant, and Jewish faiths which are concerned with immigration, the business community, international organizations, countries which have dealt with immigration problems, environmental and population groups, Black organizations, Hispanic organizations, organizations of Asian and other immigrants, members and staff of the Committee on the Judiciary of the House and the Senate, and those concerned with immigration in the Departments of State, Justice and Labor. We hope that this meeting will provide an opportunity for discussion and a foundation for ongoing working relationships among those of diverse interests. We are planning for 150 experts on immigration policy and leaders of agencies concerned with immigration issues to attend. Although the notice is short, I hope that the urgency of this issue will encourage you to arrange to be with us.

We plan for four workshops in the morning and a plenary session in the afternoon. Since our intention is to facilitate a dialogue among well-informed participants, there will be no lectures. Each workshop will be presided over by a moderator who will chair the session and a rapporteur who will take minutes. To encourage the participation of as many as possible, each of the morning workshops will focus on immigration issues from a different point of view.

One will consider the perspective of sanctions and identification cards, another legalization and amnesty, another guest workers, and the fourth, enforcement including border control, labor law enforcement and asylum. In the afternoon a general discussion will be held to summarize the morning meetings. In this way we hope to emphasize the interrelation of all of these issues and how a choice made about one influences the choices about the others.

In the plenary session each rapporteur will give a ten-minute report on the major arguments and concerns raised in the workshop. There will be a general discussion and the moderator of the plenary session, Msgr. George Higgins, will summarize the conclusions of the meeting.

To focus the discussions, a brief options paper is being prepared for each of the morning workshops with the assistance of the National Forum on Immigration and Refugee Policy. It will be a concise summary of the issues to be discussed according to the following outline: a) the issue; b) proposed responses; c) the implications of the implementation of various courses of action; d) a pro/con analysis; and e) a political analysis. This paper will be mailed to you in advance of the meeting if we receive the card indicating your intention to attend by the 22nd of January.

Furthermore, we urge you to submit a short (not more than five pages) position paper presenting your perspective, or that of your organization, on one or more of the major issue areas. If we receive a copy of your position paper before February 1, we will duplicate it and distribute copies for the participants in appropriate workshops. If we have your position paper before the meeting the moderator of the workshop will be able to include it in the discussion. You are welcome to present a position paper as late as the day of the meeting; although the Center could not be responsible for copying or distributing it at that time, it would be included in the proceedings of the meeting. The discussions will be off the record but transcribed to allow the preparation of a summary which will be distributed to all participants after the meeting. Speakers will not be identified.

Registration for the meeting will be held at the entrance to Gaston Hall on the third floor of the Healy Building at 37th and O Streets from 8:30 until 9:30 a.m. on February 4. There will be no fee. There will be a general meeting of all participants in Gaston Hall beginning at 9:30. The workshops will be held from 10:00 a.m. until 12:00 p.m. A member of Congress has been invited to address us at lunch time, which will be from 12:30 to 1:30; sandwiches will be provided. The plenary session will meet from 2:00 p.m. until 4:00 p.m.

I hope you will be with us on the 4th.

Yours sincerely,

Harold Bradley, SJ

Harold Bradley, S.J.
Director

AMERICAN JEWISH ARCHIVES

Refugees
Immigration

NEWS FROM THE COMMITTEE

THE AMERICAN JEWISH COMMITTEE Institute of Human Relations, 165 E. 56 St., New York, N.Y. 10022, (212) 751-4000

The American Jewish Committee, founded in 1906, is the pioneer human-relations agency in the United States. It protects the civil and religious rights of Jews here and abroad, and advances the cause of improved human relations for all people.

*MORTON YARMON, Director of Public Relations*

FOR IMMEDIATE RELEASE

NEW YORK, January 27 ... The American Jewish Committee today told the U. S. Attorney General that while some of the goals of the Administration's new Omnibus Immigration Control Act were sound, a number of its provisions raised "serious civil liberties concerns."

In a letter to Attorney General William French Smith, Lester Hyman, Chairman of AJC's Committee on Immigration, pointed to three areas in the proposed legislation that particularly troubled the human rights agency:

1. "Sections of the Immigration Emergency Act that would, at Presidential discretion, allow for the detention of arriving aliens for indefinite periods without the possibility of judicial review; permit the sealing of harbors, airports and roads; restrict or ban travel of U. S. vessels, vehicles or aircraft; authorize interception of foreign vessels on the high seas without their flag country's consent; and mobilize the armed forces in these emergency actions."

2. "The broad scope given to the President, particularly the undefined nature of an emergency under which he could invoke the extraordinary powers of this act." Mr. Hyman's letter pointed to the official analysis as holding that the act could be invoked if "only a few thousand aliens were expected to arrive over the course of several weeks."

3. "The section of the 'Fair and Expeditious Appeal, Asylum and Expulsion Act' that authorizes aliens encountered at the borders to be deported on the basis of informal oral interviews, with no transcript of the proceeding to be kept, no right of appeal, and no access to legal assistance."

Mr. Hyman added, though, that the AJC realized both "that the concerns that prompted the Administration to make these proposals are real" and "that we must improve our methods of dealing with people who enter the country without prior authorization and then proceed to file asylum claims."

-more-

Maynard I. Wishner, President; Howard I. Friedman, Chairman, Board of Governors; Theodore Ellenoff, Chairman, National Executive Council; Robert L. Pelz, Chairman, Board of Trustees.
Bertram H. Gold, Executive Vice President

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CSAE 1707

"We should certainly enhance our capacity to provide fair and prompt hearings, and then abide by the results," Mr. Hyman continued. In this connection, he pointed to a recent proposal urging the appointment of new asylum hearings officers whose decisions could be appealed to an independent Asylum Review Board.

"This would allow for prompt adjudication without the lengthy procedures you have cited," Mr. Hyman wrote to Attorney General Smith, "but would retain the principle of full hearing and review. In addition, we agree with you that the law should clearly authorize the punishment of persons knowingly using U. S. vessels to bring people illegally to the United States."

The American Jewish Committee throughout its history has been concerned with immigration and refugee matters. "I look forward to continuing our dialogue on this important issue," Mr. Hyman concluded.

* * * *

Founded in 1906, the American Jewish Committee is this country's pioneer human relations organization. It combats bigotry, protects the civil and religious rights of Jews at home and abroad and seeks improved human relations for all people everywhere.

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Solarz
Refugees
Immigration

# The American Jewish Committee

Institute of Human Relations • 165 East 56 Street, New York, N.Y. 10022 • 212/751-4000 • Cable Wishcom, N.Y.

January 27, 1982

Ms. Nina K. Solarz
Executive Director
Citizens' Committee
for Immigration Reform
Suite 1000
1828 L Street, N.W.
Washington, D.C. 20036

AMERICAN JEWISH ARCHIVES

My dear Nina,

Thank you for your warm and interesting letter of January 20th.

The idea that Father Ted and you propose for dramatizing the contribution of immigrants and refugees to American society is a magnificent one and I should like to do whatever I can to be helpful to you.

I will attend the luncheon on April 6th in New York City.

In the meantime, I shall share a copy of your letter with several of my colleagues involved in these concerns and see if we can come back to you shortly with some ideas regarding the celebration of the role of immigrants in American life.

Please convey my warmest good wishes to Father Ted.

With every good wish for a healthy and, above all, a peaceful New Year,

Cordially, as ever,

Marc

Rabbi Marc H. Tanenbaum
National Director
Interreligious Affairs

MHT:RPR
pc Hesburgh
PC - SAC comments?

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FOR IMMIGRATION REFORM
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NINA K. SOLARZ
Executive Director

January 20, 1982

Mr. Marc H. Tanenbaum
National Director
Interreligious Affairs
American Jewish Committee
165 East 56th Street
New York, New York 10022

Dear Marc:

Father Hesburgh and I have been talking for some time about celebrating the contributions of immigrants and refugees to the United States as a means of focusing attention on the positive aspects of immigration. The idea to pay tribute to prominent immigrants and refugees has been on our minds as we have watched the development of the debate on their negative impact upon our nation. We think it's time to focus on the many postive aspects of immigrants and refugees.

I am pleased to report that we are planning a luncheon celebration dedicated to immigrants and refugees who have made unique contributions to America, to be held April 6, 1982 in New York City.

I would greatly appreciate it if you could kindly give some thought to prominent immigrants and refugees whom we should honor, groups to be invited and individuals who should receive invitations. We have been developing a list of Nobel Prize winners, 30% of whom are immigrants, scientists, entertainers, artists, educators, authors, composers, politicians and members of the legal and business community, and it seems that our major problem may be finding a location large enough to hold all of the honorees.

The luncheon should be fun, and I expect it to command the kind of attention that immigrants and refugees so richly deserve.

I look forward to hearing from you. Best wishes for a healthy and successful 1982.

Sincerely,

Nina Solarz

Nina K. Solarz
Executive Director

AMERICAN JEWISH ARCHIVES

Refugees
IMMIGRATION
LAMM, Gov. Richard

January 27, 1982

The Honorable Richard D. Lamm
Governor of Colorado
136 State Capitol
Denver, Colorado 80203

Dear Governor Lamm,

Thank you for your letter of January 15th in which you invite me to join as a signator to the message dealing with United States Immigration laws.

I am happy to lend my name to this excellent statement. I must ask that if titles are used that the identification be in my personal capacity since I did not go through the process of clearing the statement with the Executive Board of my organization. But the sense of the statement does conform with the policy positions taken by my agency.

With warmest good wishes, I am,

Sincerely yours,

Rabbi Marc H. Tanenbaum
National Director
Interreligious Affairs

MHT:RPR

cc: Federation for American
Immigration Reform, Inc.

Enclosures

Newsday 11/78
Nat Jewish 11/80
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AMERICAN JEWISH ARCHIVES

# STATE OF COLORADO

**EXECUTIVE CHAMBERS**
136 State Capitol
Denver, Colorado 80203
Phone (303) 866-2471

Richard D. Lamm
Governor

January 15, 1982

Rabbi Marc Tanenbaum
165 East 56th Street
New York, NY 10022

AMERICAN JEWISH
ARCHIVES

Dear Rabbi Tanenbaum:

It has been 30 years since the last major overhaul of United States Immigration laws, and the time has come once again to bring our immigration policy into line with new realities.

As the Governor of a state greatly impacted by illegal immigration, I am painfully aware of the many overt and hidden costs to the state and to the nation of this steadily growing movement of unlawful settlers. Unemployment continues at high levels, and important social programs are operating with reduced funding, so that illegal immigrants compete for scarce jobs, housing, services and resources with the most vulnerable of our citizens. Popular resentment is on the rise, and community relations between competing groups are deteriorating dangerously.

Our failure to act for so long has allowed the problem to fester and to become more difficult. The hour is late indeed, and further procrastination will ultimately make the solutions more complicated and more painful.

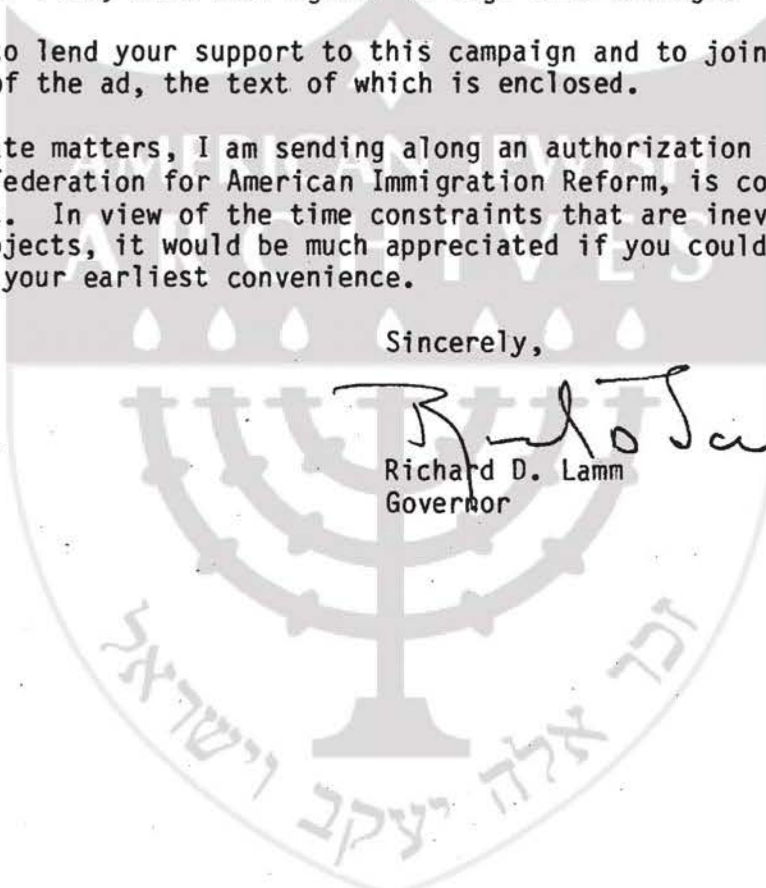
The Congressionally mandated Select Commission on Immigration and Refugee Policy reported its recommendations to the President and to the Congress last spring. Senator Walter Huddleston has introduced a package of novel reform proposals. The Reagan Administration has likewise presented to the Congress a set of recommendations for enactment. Senator Alan Simpson, the Chairman of the Subcommittee on Immigration, is ready to offer a comprehensive bill of needed reforms. Both Chairman of the Committees with jurisdiction over this issue have signaled their interest in moving the issue along. The time for action is at hand, and if we fail to seize the opportunity now, it may not arise again in time to avert major confrontations like those that shook England last summer.

Rabbi Marc Tanenbaum
January 15, 1982
Page Two

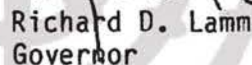
I have loaned my name as a signatory to a public message to the effect that it's time to address the issue of immigration reform. It will appear as a tasteful and to-the-point advertisement in the *New York Times* and other major newspapers toward the end of January or early February. A number of other prominent Americans, in every sector of our national life, have also agreed to sign this message.

I ask you to lend your support to this campaign and to join me as a signatory of the ad, the text of which is enclosed.

To facilitate matters, I am sending along an authorization form. FAIR, the Federation for American Immigration Reform, is coordinating this effort. In view of the time constraints that are inevitably part of such projects, it would be much appreciated if you could return it to them at your earliest convenience.


AMERICAN JEWISH ARCHIVES

Sincerely,



Richard D. Lamm
Governor

Enclosures

AN OPEN LETTER TO CONGRESS:
IT'S TIME TO DO SOMETHING ABOUT IMMIGRATION

Immigration to the United States is an urgent problem. Most Americans agree that we can't have unlimited immigration, yet our immigration policy is in shambles. As a result, immigration is out of control, and the resulting exploitation of illegal immigrants and poor Americans continues unchecked. Only Congress can bring immigration back under control.

Uncontrolled immigration complicates the solution to every pressing national problem. We must not let the number of immigrants grow so large as to threaten the jobs of poor Americans. We must not let illegal immigration, massive flouting of our laws, continue growing at such high rates.

In the past six years, the Federal Government made four major studies of the immigration problem. These studies all reached the same conclusion:

> IMMIGRATION TO THE UNITED STATES CANNOT BE UNLIMITED, and
> WE CAN CONTROL IMMIGRATION THROUGH REFORM OF OUR LAWS.

During this session, the Senate and the House of Representatives can and should pass a new, comprehensive immigration law. Congress has spent years studying immigration and holding hearings on it. The time for study is past. Congress has the power and ability to pass -- in the next few months -- reform legislation that will bring immigration back under control.

Its reform of the immigration law should follow these principles:

1) We must control illegal immigration through new, effective enforcement measures, including a law to make it illegal to hire an illegal immigrant for an American job.
2) Our immigration laws should be fairly and effectively enforced. There should be no favoritism toward or discrimination against any person on the basis of race, color, or national origin. But immigration must be limited to reasonable levels.
3) We should continue to accept immigrants and refugees in our own enlightened self-interest and for humanitarian reasons -- because the United States benefits from controlled and reasonable levels of legal immigration.
4) We must strengthen our basic immigration law by making it direct, simple, and workable.

Congress must act in this session. Now is the time for action.

AMERICAN JEWISH ARCHIVES

Refugees

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STEPHEN BREYER, CHIEF COUNSEL

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, D.C. 20510

March 4, 1980

Dear Friend:

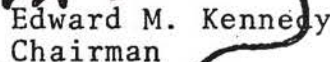
Knowing of your support and concern over the passage of The Refugee Act of 1980, I wanted to let you know that the bill has finally cleared both the Senate and the House of Representatives and has now gone to the President for his signature.

As you know, this bill is the first major reform of the refugee provisions of American immigration law in nearly three decades. But this giant step forward would never have been possible without your strong support, and that of countless other concerned Americans.

Enclosed, for your information, is the text of the final conference report on the bill, and my explanatory statement on it.

With all best wishes,

Sincerely,



Edward M. Kennedy
Chairman

AMERICAN JEWISH ARCHIVES

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96th CONGRESS, SECOND SESSION

*Vol. 126* WASHINGTON, TUESDAY, FEBRUARY 26, 1980 *No. 30*

## *Senate*



### REFUGEE ACT OF 1980—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. KENNEDY, I submit a report of the committee of conference on S. 643 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

### CONFERENCE REPORT ON S. 643

Mr. KENNEDY submitted the following conference report and statement on the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 96–781)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

That this Act may be cited as the "Refugee Act of 1980".

TITLE I—PURPOSE

SEC. 101. (a) The Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands, including, where appropriate, humanitarian assistance for their care and maintenance in asylum areas, efforts to promote opportunities for resettlement or voluntary repatriation, aid for necessary transportation and processing, admission to this country of refugees of special humanitarian concern to the United States, and transitional assistance to refugees in the United States. The Congress further declares that it is the policy of the United States to encourage all nations to provide assistance and resettlement opportunities to refugees to the fullest extent possible.

(b) The objectives of this Act are to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.

TITLE II—ADMISSION OF REFUGEES

SEC. 201. (a) Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)) is amended by adding after paragraph (41) the following new paragraph:

"(42) The term 'refugee' means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.".

(b) Chapter 1 of title II of such Act is amended by adding after section 206 (8 U.S.C. 1156) the following new sections:

"ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES

"SEC. 207. (a)(1) Except as provided in subsection (b), the number of refugees who may be admitted under this section in fiscal year 1980, 1981, or 1982, may not exceed fifty thousand unless the President determines, before the beginning of the fiscal year and after appropriate consultation (as defined in subsection (e)), that admission of a specific number of refugees in excess of such number is justified by humanitarian concerns or is otherwise in the national interest.

"(2) Except as provided in subsection (b), the number of refugees who may be admitted under this section in any fiscal year after fiscal year 1982 shall be such number as the President determines, before the beginning of the fiscal year and after appropriate consultation, is justified by humanitarian concerns or is otherwise in the national interest.

"(3) Admissions under this subsection shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation.

"(b) If the President determines, after appropriate consultation, that (1) an unforeseen emergency refugee situation exists, (2) the admission of certain refugees in response to the emergency refugee situation is justified by grave humanitarian concerns or is otherwise in the national interest, and (3) the admission to the United States of these refugees cannot be accomplished under subsection (a), the President may fix a number of refugees to be admitted to the United States during the succeeding period (not to exceed twelve months) in response to the emergency refugee situation and such admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after the appropriate consultation provided under this subsection.

"(c)(1) Subject to the numerical limitations established pursuant to subsections (a) and (b), the Attorney General may, in the Attorney General's discretion and pursuant to such regulations as the Attorney General may prescribe, admit any refugee who is not firmly resettled in any foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act.

"(2) A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E)) of any refugee who qualifies for admission under paragraph (1) shall, if not otherwise entitled to admission under paragraph (1) and if not a person described in the second sentence of section 101(a)(42), be entitled to the same admission status as such refugee if accompanying, or following to join, such refugee and if the spouse or child is admissible (except as otherwise provided under

paragraph (3)) as an immigrant under this Act. Upon the spouse's or child's admission to the United States, such admission shall be charged against the numerical limitation established in accordance with the appropriate subsection under which the refugee's admission is charged.

"(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking admission to the United States under this subsection, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation. The Attorney General shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

"(4) The refugee status of any alien (and of the spouse or child of the alien) may be terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe if the Attorney General determines that the alien was not in fact a refugee within the meaning of section 101(a)(42) at the time of the alien's admission.

"(d)(1) Before the start of each fiscal year the President shall report to the Committees on the Judiciary of the House of Representatives and of the Senate regarding the foreseeable number of refugees who will be in need of resettlement during the fiscal year and the anticipated allocation of refugee admissions during the fiscal year. The President shall provide for periodic discussions between designated representatives of the President and members of such committees regarding changes in the worldwide refugee situation, the progress of refugee admissions, and the possible need for adjustments in the allocation of admissions among refugees.

"(2) As soon as possible after representatives of the President initiate appropriate consultation with respect to the number of refugee admissions under subsection (a) or with respect to the admission of refugees in response to an emergency refugee situation under subsection (b), the Committees on the Judiciary of the House of Representatives and of the Senate shall cause to have printed in the Congressional Record the substance of such consultation.

"(3)(A) After the President initiates appropriate consultation prior to making a determination under subsection (a), a hearing to review the proposed determination shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

"(B) After the President initiates appropriate consultation prior to making a determination, under subsection (b), that the number of refugee admissions should be increased because of an unforeseen emergency refugee situation, to the extent that time and the nature of the emergency refugee situation permit, a hearing to review the proposal to increase refugee admissions shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

"(e) For purposes of this section, the term 'appropriate consultation' means, with respect to the admission of refugees and allocation of refugee admissions, discussions in person by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation, to project the extent of possible participation of the United States therein, to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns or grave humanitarian concerns or is otherwise in the national interest, and to provide such members with the following information:

"(1) A description of the nature of the refugee situation.

"(2) A description of the number and allocation of the refugees to be admitted and an analysis of conditions within the countries from which they came.

"(3) A description of the proposed plans for their movement and resettlement and the estimated cost of their movement and resettlement.

"(4) An analysis of the anticipated social, economic, and demographic impact of their admission to the United States.

"(5) A description of the extent to which other countries will admit and assist in the resettlement of such refugees.

"(6) An analysis of the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States.

"(7) Such additional information as may be appropriate or requested by such members.

To the extent possible, information described in this subsection shall be provided at least two weeks in advance of discussions in person by designated representatives of the President with such members.

"ASYLUM PROCEDURE

"Sec. 208. (a) The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for asylum, and the alien may be granted asylum in the discretion of the Attorney General if the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

"(b) Asylum granted under subsection (a) may be terminated if the Attorney General, pursuant to such regulations as the Attorney General may prescribe, determines that the alien is no longer a refugee within the meaning of section 101(a)(42)(A) owing to a change in circumstances in the alien's country of nationality or, in the case of an alien having no nationality, in the country in which the alien last habitually resided.

"(c) A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under subsection (a) may, if not otherwise eligible for asylum under such subsection, be granted the same status as the alien if accompanying, or following to join, such alien.

"ADJUSTMENT OF STATUS OF REFUGEES

"Sec. 209. (a)(1) Any alien who has been admitted to the United States under section 207—

"(A) whose admission has not been terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe,

"(B) who has been physically present in the United States for at least one year, and

"(C) who has not acquired permanent resident status,

shall, at the end of such year period, return or be returned to the custody of the Service for inspection and examination for admission to the United States as an immigrant in accordance with the provisions of sections 235, 236, and 237.

"(2) Any alien who is found upon inspection and examination shall, notwithstanding ficer pursuant to paragraph (1) or after a hearing before a special inquiry officer to be admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of the alien's inspection and examination shall, notwithstanding any numerical limitation specified in this Act, be regarded as lawfully admitted to the United States for permanent residence as of the date of such alien's arrival into the United States.

"(b) Not more than five thousand of the refugee admissions authorized under section 207(a) in any fiscal year may be made available by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—

"(1) applies for such adjustment,

"(2) has been physically present in the United States for at least one year after being granted asylum,

"(3) continues to be a refugee within the meaning of section 101(a)(42)(A) or a spouse or child of such a refugee,

"(4) is not firmly resettled in any foreign country, and

"(5) is admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of examination for adjustment of such alien.

Upon approval of an application under this subsection, the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date one year before the date of the approval of the application.

"(c) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking adjustment of status under this section, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.".

(c) The table of contents of such Act is amended by inserting after the item relating to section 206 the following new items:

"Sec. 207. Annual admission of refugees and admission of emergency situation refugees.
"Sec. 208. Asylum procedure.
"Sec. 209. Adjustment of status of refugees.".

Sec. 202. Section 211 of the Immigration and Nationality Act (8 U.S.C. 1181) is amended—

(1) by inserting "and subsection (c)" in subsection (a) after "Except as provided in subsection (b)"; and

(2) by adding at the end thereof the following new subsection:

"(c) The provisions of subsection (a) shall not apply to an alien whom the Attorney General admits to the United States under section 207.".

Sec. 203. (a) Subsection (a) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended to *read as follows:*

"(a) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in subsection (b) of this section, and aliens who are admitted or granted asylum under section 207 or 208, the number of aliens born in any foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, shall not in any of the first three quarters of any fiscal year exceed a total of seventy-two thousand and shall not in any fiscal year exceed two hundred and seventy thousand.".

(b) Section 202 of such Act (8 U.S.C. 1152) is amended—

(1) by striking out "and the number of conditional entries" in subsection (a);

(2) by striking out "(8)" in subsection (a) and inserting in lieu thereof "(7)";

(3) by striking out "or conditional entries" and "and conditional entries" in subsection (e);

(4) by striking out "20 per centum" in subsection (e)(2) and inserting in lieu thereof "26 per centum";

(5) by striking out paragraph (7) of subsection (e);

(6) by striking out "(7)" in paragraph (8) of subsection (e) and inserting in lieu thereof "(6)"; and

(7) by redesignating paragraph (8) of subsection (e) as paragraph (7).

(c) Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking out "or their conditional entry authorized, as the case may be," in subsection (a);

(2) by striking out "20 per centum" in subsection (a)(2) and inserting in lieu thereof "26 per centum";

(3) by striking out paragraph (7) of subsection (a);

(4) by striking out "and less the number of conditional entries and visas available pursuant to paragraph (7)" in subsection (a)(8);

(5) by striking out "or to conditional entry under paragraphs (1) through (8)" in subsection (a)(9) and inserting in lieu thereof "under paragraphs (1) through (7)";

(6) by redesignating paragraphs (8) and (9) of subsection (a) as paragraphs (7) and (8), respectively;

(7) by striking out "(7)" in subsection (d) and inserting in lieu thereof "(6)"; and

(8) by striking out subsections (f), (g), and (h).

(d) Sections 212(a)(14), 212(a)(32), and 244(d) of such Act (8 U.S.C. 1182(a)(14), 1182(a)(32), 1254(d)) are each amended by striking out "section 203(a)(8)" and inserting in lieu thereof "section 203(a)(7)".

(e) Subsection (h) of section 243 of such Act (8 U.S.C. 1253) is amended to read as follows:

"(h)(1) The Attorney General shall not deport or return any alien (other than an alien described in section 241(a)(19)) to a country if the Attorney General determines that such alien's life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(2) Paragraph (1) shall not apply to any alien if the Attorney General determines that—

"(A) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(B) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

"(C) there are serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States; or

"(D) there are reasonable grounds for regarding the alien as a danger to the security of the United States.".

(f) Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended—

(1) by inserting "(A)" after "(5)";

(2 by inserting ", except as provided in subparagraph (B)," after "Attorney General may"; and

(3) by adding at the end thereof the following new subparagraph:

"(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 207.".

(g) Section 5 of Public Law 95-412 (8 U.S.C. 1182 note) is amended by striking out "September 30, 1980" and inserting in lieu thereof "April 1, 1980".

(h) Any reference in any law (other than the Immigration and Nationality Act or this Act) in effect on April 1, 1980, to section 203(a)(7) of the Immigration and Nationality Act shall be deemed to be a reference to such section as in effect before such date to sections 207 and 208 of the Immigration and Nationality Act.

(i) Section 203(g) of such Act (8 U.S.C. 1153(g)), section 101(a)(3) of Public Law 95-145, and the first section of Public Law 89-732 are each amended by striking out "two years" and inserting in lieu thereof "one year".

Sec. 204. (a) Except as provided in subsections (b) and (c), this title and the amendments made by this title shall take effect on the date of the enactment of this Act, and shall apply to fiscal years beginning with the fiscal year beginning October 1, 1979.

(b)(1)(A) Section 207(c) of the Immigration and Nationality Act (as added by section 201(b) of this Act) and the amendments made by subsections (b), (c), and (d) of section 203 of this Act shall take effect on April 1, 1980.

(B) The amendments made by section 203(f) shall apply to aliens paroled into the United States on or after the sixtieth day after the date of the enactment of this Act.

(C) The amendments made by section 203(i) shall take effect immediately before April 1, 1980.

(2) Notwithstanding sections 207(a) and 209(b) of the Immigration and Nationality Act (as added by section 201(b) of this Act), the fifty thousand and five thousand numerical limitations specified in such respective sections shall, for fiscal year 1980, be equal to 25,000 and 2,500, respectively.

(3) Notwithstanding any other provisions of law, for fiscal year 1980—

(A) the fiscal year numerical limitation specified in section 201(a) of the Immigration and Nationality Act shall be equal to 280,000, and

(B) for the purpose of determining the number of immigrant visas and adjustments of status which may be made available under sections 203(a)(2) and 202(e)(2) of such Act, the granting of a conditional entry or adjustment of status under section 203(a)(7) or 202(e)(7) of such Act after September 30, 1979, and before April 1, 1980, shall be considered to be the granting of an immigrant visa under section 203(a)(2) or 202(e)(2), respectively, of such Act during such period.

(c)(1) The repeal of subsections (g) and (h) of section 203 of the Immigration and Nationality Act, made by section 203(c)(8) *of this title*, shall not apply with respect to any individual who before April 1, 1980, was granted a conditional entry under section 203(a)(7) of the Immigration and Nationality Act (and under section 202(e)(7) of such Act, if applicable), as in effect immediately before such date and it shall not apply to any alien paroled into the United States before April 1, 1980, who is eligible for the benefits of section 5 of Public Law 95-412.

(2) An alien who, before April 1, 1980, established a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under section 203(a)(7) of the Immigration and Nationality Act (as in effect before such date), shall be deemed to be entitled to refugee status under section 207 of such Act (as added by section 201(b) of this title) and shall be accorded the date of registration previously established by that alien. Nothing in this paragraph shall be construed to preclude the acquisition by such an alien of a preference status under section 203(a) of such Act.

(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not be applicable to any alien who has entered the United States before April 1, 1980, pursuant to section 203(a)(7) of such Act or who has been paroled as a refugee into the United States under section 212(d)(5) of such Act, and who is seeking adjustment of status, and the Attorney General may waive any other provision of section 212(a) of such Act (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(d)(1) Notwithstanding section 207(a) of the Immigration and Nationality Act (as added by section 201(b) of this title), the President may make the determination described in the first sentence of such section not later than forty-five days after the date of the enactment of this Act for fiscal year 1980.

(2) The Attorney General shall establish the asylum procedure referred to in section 208(a) of the Immigration and Nationality Act (as added by section 201(b) of this title) not later than June 1, 1980

(e) Any reference in this Act or in chapter 2 of title IV of the Immigration and Nationality Act to the Secretary of Education or the Secretary of Health and Human Services or to the Department of Health and Human Services shall be deemed, before the effective date of the Department of Education Organization Act, to be a reference to the Secretary of Health, Education, and Wel-

fare or to the Department of Health, Education, and Welfare respectively.

TITLE III—UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS AND ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

PART A—UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS

SEC. 301. (a) The President shall appoint, by and with the advice and consent of the Senate, a United States Coordinator for Refugee Affairs (hereinafter in this part referred to as the "Coordinator"). The Coordinator shall have the rank of Ambassador-at-Large.

(b) The Coordinator shall be responsible to the President for—

(1) the development of overall United States refugee admission and resettlement policy;

(2) the coordination of all United States domestic and international refugee admission and resettlement programs in a manner that assures that policy objectives are met in a timely fashion;

(3) the design of an overall budget strategy to provide individual agencies with policy guidance on refugee matters in the preparation of their budget requests, and to provide the Office of Management and Budget with an overview of all refugee-related budget requests;

(4) the presentation to the Congress of the Administration's overall refugee policy and the relationship of individual agency refugee budgets to that overall policy;

(5) advising the President, Secretary of State, Attorney General, and the Secretary of Health and Human Services on the relationship of overall United States refugee policy to the admission of refugees to, and the resettlement of refugees in, the United States;

(6) under the direction of the Secretary of State, representation and negotiation on behalf of the United States with foreign governments and international organizations in discussions on refugee matters and, when appropriate, submitting refugee issues for inclusion in other international negotiations;

(7) development of an effective and responsive liaison between the Federal Government and voluntary organizations, Governors and mayors, and others involved in refugee relief and resettlement work to reflect overall United States Government policy;

(8) making recommendations to the President and to the Congress with respect to policies for, objectives of, and establishment of priorities for, Federal functions relating to refugee admission and resettlement in the United States; and

(9) reviewing the regulations, guidelines, requirements, criteria and procedures of Federal departments and agencies applicable to the performance of functions relating to refugee admission and resettlement in the United States.

(c) (1) In the conduct of the Coordinator's duties, the Coordinator shall consult regularly with States, localities, and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees.

(2) The Secretary of Labor and the Secretary of Education shall provide the Coordinator with regular reports describing the efforts of their respective departments to increase refugee access to programs within their jurisdiction, and the Coordinator shall include information on such programs in reports submitted under section 413(a) (1) of the Immigration and Nationality Act.

PART B—ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

SEC. 311. (a) Title IV of the Immigration and Nationality Act is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—MISCELLANEOUS AND REFUGEE ASSISTANCE

"CHAPTER 1—MISCELLANEOUS"; and by adding at the end thereof the following new chapter:

"CHAPTER 2—REFUGEE ASSISTANCE

"OFFICE OF REFUGEE RESETTLEMENT

"SEC. 411. (a) There is established, within the Department of Health and Human Services, an office to be known as the Office of Refugee Resettlement (hereinafter in this chapter referrerred to as the 'Office'). The head of the Office shall be a Director (hereinafter in this chapter referred to as the 'Director'), to be appointed by the Secretary of Health and Human Services (hereinafter in this chapter referred to as the 'Secretary').

"(b) The function of the Office and its Director is to fund and administer (directly or through arrangements with other Federal agencies), in consultation with and under the general policy guidance of the United States Coordinator for Refugee Affairs (hereinafter in this chapter referred to as the 'Coordinator'), programs of the Federal Government under this chapter.

"AUTHORIZATIONS FOR PROGRAMS FOR DOMESTIC RESETTLEMENT OF AND ASSISTANCE TO REFUGEES

"SEC. 412. (a) CONDITIONS AND CONSIDERATIONS.—(1) In providing assistance under this section, the Director shall, to the extent of available appropriations, (A) make available sufficient resources for employment training and placement in order to achieve economic self-sufficiency among refugees as quickly as possible, (B) provide refugees with the opportunity to acquire sufficient English language training to enable them to become effectively resettled as quickly as possible, (C) insure that cash assistance is made available to refugees in such a manner as not to discourage their economic self-sufficiency, in accordance with subsection (e) (2), and (D) insure that women have the same opportunities as men to participate in training and instruction.

"(2) The Director, together with the Coordinator, shall consult regularly with State and local governments and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees among the States and localities.

"(3) In the provision of domestic assistance under this section, the Director shall make a periodic assessment, based on refugee population and other relevant factors, of the relative needs of refugees for assistance and services under this chapter and the resources available to meet such needs. In allocating resources, the Director shall avoid duplication of services and provide for maximum coordination between agencies providing related services.

"(4) No grant or contract may be awarded under this section unless an appropriate proposal and application (including a description of the agency's ability to perform the services specified in the proposal) are submitted to, and approved by, the appropriate administering official. Grants and contracts under this section shall be made to those agencies which the appropriate administering official determines can best perform the services. Payments may be made for activities authorized under this chapter in advance or by way of reimbursement. In carrying out this section, the Director, the Secretary of State, and any such other appropriate administering official are authorized—

"(A) to make loans, and

"(B) to accept and use money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for the purpose of carrying out this section.

"(5) Assistance and services funded under this section shall be provided to refugees without regard to race, religion, nationality, sex, or political opinion.

"(6) As a condition for receiving assistance under this section, a State must—

"(A) submit to the Director a plan which provides—

"(i) a description of how the State intends to encourage effective refugee resettlement and to promote economic self-sufficiency as quickly as possible,

"(ii) a description of how the State will insure that language training and employment services are made available to refugees receiving cash assistance,

"(iii) for the designation of an individual, employed by the State, who will be responsible for insuring coordination of public and private resources in refugee resettlement,

"(iv) for the care and supervision of and legal responsibility for unaccompanied refugee children in the State, and

"(v) for the identification of refugees who at the time of resettlement in the State are determined to have medical conditions requiring, or medical histories indicating a need for, treatment or observation and such monitoring of such treatment or observation as may be necessary;

"(B) meet standards, goals, and priorities, developed by the Director, which assure the effective resettlement of refugees and which promote their economic self-sufficiency as quickly as possible and the efficient provision of services; and

"(C) submit to the Director, within a reasonable period of time after the end of each fiscal year, a report on the uses of funds provided under this chapter which the State is responsible for administering.

"(7) The Secretary, together with the Secretary of State with respect to assistance provided by the Secretary of State under subsection (b), shall develop a system of monitoring the assistance provided under this section. This system shall include—

"(A) evaluations of the effectiveness of the programs funded under this section and the performance of States, grantees, and contractors;

"(B) financial auditing and other appropriate monitoring to detect any fraud, abuse, or mismanagement in the operation of such programs; and

"(C) data collection on the services provided and the results achieved.

"(8) The Attorney General shall provide the Director with information supplied by refugees in conjunction with their applications to the Attorney General for adjustment of status, and the Director shall compile, summarize, and evaluate such information.

"(9) The Secretary and the Secretary of State may issue such regulations as each deems appropriate to carry out this chapter.

"(10) For purposes of this chapter, the term 'refugee' includes any alien described in section 207(c) (2).

"(b) PROGRAM OF INITIAL RESETTLEMENT.—(1) (A) For—

"(i) fiscal years 1980 and 1981, the Secretary of State is authorized, and

"(ii) fiscal year 1982 and succeeding fiscal years, the Director (except as provided in subparagraph (B)) is authorized,

to make grants to, and contracts with, public or private nonprofit agencies for initial resettlement (including initial reception and placement with sponsors) of refugees in the United States. Grants to, or contracts with, private nonprofit voluntary agencies under this paragraph shall be made consistent with the objectives of this chapter, taking into account the different resettlement approaches and practices of such agencies. Resettlement assistance under this paragraph shall be provided in coordination with the Director's provision of other assistance under this chapter. The Secretary of State and the Director shall jointly monitor the assistance provided during fiscal years 1980 and 1981 under this paragraph.

"(B) The President shall provide for a study of which agency is best able to administer the program under this paragraph and shall report, not later than March 1, 1981, to

the Congress on such study. If the President determines after such study that the Director should not administer the program under this paragraph, the authority of the Director under the first sentence of subparagraph (A) shall be exercised by such officer as the President shall from time to time specify.

"(2) The Director is authorized to develop programs for such orientation, instruction in English, and job training for refugees, and such other education and training of refugees, as facilitates their resettlement in the United States. The Director is authorized to implement such programs, in accordance with the provisions of this section, with respect to refugees in the United States. The Secretary of State is authorized to implement such programs with respect to refugees awaiting entry into the United States.

"(3) The Secretary is authorized, in consultation with the Coordinator, to make arrangements (including cooperative arrangements with other Federal agencies) for the temporary care of refugees in the United States in emergency circumstances, including the establishment of processing centers, if necessary, without regard to such provisions of law (other than the Renegotiation Act of 1951 and section 414(b) of this chapter) regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the Secretary may specify.

"(4) The Secretary, in consultation with the Coordinator, shall—

"(A) assure that an adequate number of trained staff are available at the location at which the refugees enter the United States to assure that all necessary medical records are available and in proper order;

"(B) provide for the identification of refugees who have been determined to have medical conditions affecting the public health and requiring treatment;

"(C) assure that State or local health officials at the resettlement destination within the United States of each refugee are promptly notified of the refugee's arrival and provided with all applicable medical records; and

"(D) provide for such monitoring of refugees identified under subparagraph (B) as will insure that they receive appropriate and timely treatment.

The Secretary shall develop and implement methods for monitoring and assessing the quality of medical screening and related health services provided to refugees awaiting resettlement in the United States.

"(c) PROJECT GRANTS AND CONTRACTS FOR SERVICES FOR REFUGEES.—The Director is authorized to make grants to, and enter into contracts with, public or private nonprofit agencies for projects specifically designed—

"(1) to assist refugees in obtaining the skills which are necessary for economic self-sufficiency, including projects for job training, employment services, day care, professional refresher training, and other recertification services;

"(2) to provide training in English where necessary (regardless of whether the refugees are employed or receiving cash or other assistance); and

"(3) to provide where specific needs have been shown and recognized by the Director, health (including mental health) services, social services, educational and other services.

"(d) ASSISTANCE FOR REFUGEE CHILDREN.—(1) The Director is authorized to make grants, and enter into contracts, for payments for projects to provide special educational services (including English language training) to refugee children in elementary and secondary schools where a demonstrated need has been shown.

"(2)(A) The Director is authorized to provide assistance, reimbursement to States, and grants to and contracts with public and private nonprofit agencies, for the provision of child welfare services, including foster care maintenance payments and services and health care, furnished to any refugee child (except as provided in subparagraph (B)) during the thirty-six month period beginning with the first month in which such refugee child is in the United States.

"(B)(i) In the case of a refugee child who is unaccompanied by a parent or other close adult relative (as defined by the Director), the services described in subparagraph (A) may be furnished until the month after the child attains eighteen years of age (or such higher age as the State's child welfare services plan under part B of title IV of the Social Security Act prescribes for the availability of such services to any other child in that State).

"(ii) The Director shall attempt to arrange for the placement under the laws of the States of such unaccompanied refugee children, who have been accepted for admission to the United States, before (or as soon as possible after) their arrival in the United States. During any interim period while such a child is in the United States or in transit to the United States but before the child is so placed, the Director shall assume legal responsibility (including financial responsibility) for the child, if necessary, and is authorized to make necessary decisions to provide for the child's immediate care.

"(iii) In carrying out the Director's responsibilities under clause (ii), the Director is authorized to enter into contracts with appropriate public or private nonprofit agencies under such conditions as the Director determines to be appropriate.

"(iv) The Director shall prepare and maintain a list of (I) all such unaccompanied children who have entered the United States after April 1, 1975, (II) the names and last known residences of their parents (if living) at the time of arrival, and (III) the children's location, status, and progress.

"(e) CASH ASSISTANCE AND MEDICAL ASSISTANCE TO REFUGEES.—(1) The Director is authorized to provide assistance, reimbursement to States, and grants to, and contracts with, public or private nonprofit agencies for up to 100 per centum of the cash assistance and medical assistance provided to any refugee during the thirty-six month period beginning with the first month in which such refugee has entered the United States and for the identifiable and reasonable administrative costs of providing this assistance.

"(2) Cash assistance provided under this subsection to an employable refugee is conditioned, except for good cause shown—

"(A) on the refugee's registration with an appropriate agency providing employment services described in subsection (c)(1), or, if there is no such agency available, with an appropriate State or local employment service; and

"(B) on the refugee's acceptance of appropriate offers of employment;

except that subparagraph (A) does not apply during the first sixty days after the date of the refugee's entry.

"(3) The Director shall develop plans to provide English training and other appropriate services and training to refugees receiving cash assistance.

"(4) If a refugee is eligible for aid or assistance under a State plan approved under part A of title IV or under title XIX of the Social Security Act, or for supplemental security income benefits (including State supplementary payments) under the program established under title XVI of that Act, funds authorized under this subsection shall only be used for the non-Federal share of such aid or assistance, or for such supplementary payments, with respect to cash and medical assistance provided with respect to such refugee under this paragraph.

"(5) The Director is authorized to allow for the provision of medical assistance under paragraph (1) to any refugee, during the one-year period after entry, who does not qualify for assistance under a State plan approved under title XIX of the Social Security Act on account of any resources or income requirement of such plan, but only if the Director determines that—

"(A) this will (i) encourage economic self-sufficiency, or (ii) avoid a significant burden on State and local governments; and

"(B) the refugee meets such alternative financial resources and income requirements as the Director shall establish.

"CONGRESSIONAL REPORTS

"SEC. 413. (a)(1) The Secretary, in consultation with the Coordinator, shall submit a report on activities under this chapter to the Committees on the Judiciary of the House of Representatives and of the Senate not later than the January 31 following the end of each fiscal year, beginning with fiscal year 1980.

"(2) Each such report shall contain—

"(A) an updated profile of the employment and labor force statistics for refugees who have entered under this Act since May 1975, as well as a description of the extent to which refugees received the forms of assistance or services under this chapter during that period;

"(B) a description of the geographic location of refugees;

"(C) a summary of the results of the monitoring and evaluation conducted under section 412(a)(7) during the period for which the report is submitted;

"(D) a description of (i) the activities, expenditures, and policies of the Office under this chapter and of the activities of States, voluntary agencies, and sponsors, and (ii) the Director's plans for improvement of refugee resettlement;

"(E) evaluations of the extent to which (i) the services provided under this chapter are assisting refugees in achieving economic self-sufficiency, achieving ability in English, and achieving employment commensurate with their skills and abilities, and (ii) any fraud, abuse, or mismanagement has been reported in the provisions of services or assistance;

"(F) a description of any assistance provided by the Director pursuant to section 412(e)(5);

"(G) a summary of the location and status of unaccompanied refugee children admitted to the United States; and

"(H) a summary of the information compiled and evaluation made under section 412(a)(8).

"(b) The Secretary, in consultation with the Coordinator, shall conduct and report to Congress, not later than one year after the date of the enactment of this chapter, an analysis of—

"(1) resettlement systems used by other countries and the applicability of such systems to the United States;

"(2) the desirability of using a system other than the current welfare system for the provision of cash assistance, medical assistance, or both, to refugees; and

"(3) alternative resettlement strategies.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 414. (a)(1) There are hereby authorized to be appropriated for fiscal year 1980 and for each of the two succeeding fiscal years, such sums as may be necessary for the purpose of providing initial resettlement assistance, cash and medical assistance, and child welfare services under subsections (b)(1), (b)(3), (b)(4), (d)(2), and (e) of section 412.

"(2) There are hereby authorized to be appropriated for fiscal year 1980 and for each of the two succeeding fiscal years $200,000,000, for the purpose of carrying out the

provisions (other than those described in paragraph (1)) of this chapter.

"(b) The authority to enter into contracts under this chapter shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.".

SEC. 312. (a) The table of contents of the Immigration and Nationality Act is amended—

(1) by striking out the item relating to title IV and insert in lieu thereof the following:

"TITLE IV—MISCELLANEOUS AND REFUGEE ASSISTANCE

"CHAPTER 1—MISCELLANEOUS";

and

(2) by adding at the end the following new items:

"CHAPTER 2—REFUGEE ASSISTANCE

"Sec. 411. Office of Refugee Resettlement.
"Sec. 412. Authorization for programs for domestic resettlement of and assistance to refugees.
"Sec. 413. Congressional reports.
"Sec. 414. Authorization of appropriations.".

(b)(1) Subsection (b) of section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended by striking out paragraphs (1) through (6) and inserting in lieu thereof the following:

"(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or persons on behalf of whom he is exercising his good offices, and for contributions to the Intergovernmental Committee for European Migration, the International Committee of the Red Cross, and to other relevant international organizations; and

"(2) for assistance to or on behalf of refugees who are outside the United States designated by the President (by class, group, or designation of their respective countries of origin or areas of residence) when the President determines that such assistance will contribute to the foreign policy interests of the United States.".

(2) Subsection (c)(2) of such section is amended by striking out "$25,000,000" and inserting in lieu there of "$50,000,000".

(c) The Indochina Migration and Refugee Assistance Act of 1975 (Public Law 94-23) is repealed.

SEC. 313. (a) Except as otherwise provided in this section, the amendments made by this part shall apply to fiscal years beginning on or after October 1, 1979.

(b) Subject to subsection (c), the limitations contained in sections 412(d)(2)(A) and 412(e)(1) of the Immigration and Nationality Act on the duration of the period for which child welfare services and cash and medical assistance may be provided to particular refugees shall not apply to such services and assistance provided before April 1, 1981.

(c) Notwithstanding section 412(e)(1) of the Immigration and Nationality Act and in lieu of any assistance which may otherwise be provided under such section with respect to Cuban refugees who entered the United States and were receiving assistance under section 2(b) of the Migration and Refugee Assistance Act of 1962 before October 1, 1978, the Director of the Office of Refugee Resettlement is authorized—

(1) to provide reimbursement—

(A) in fiscal year 1980, for 75 percent,
(B) in fiscal year 1981, for 60 percent,
(C) in fiscal year 1982, for 45 percent, and
(D) in fiscal year 1983, for 25 percent,

of the non-Federal costs of providing cash and medical assistance (other than assistance described in paragraph (2)) to such refugees, and

(2) to provide reimbursement in any fiscal year for 100 percent of the non-Federal costs associated with such Cuban refugees with respect to whom supplemental security income payments were being paid as of September 30, 1978, under title XVI of the Social Security Act.

(d) The requirements of section 412(a)(6)(A) of the Immigration and Nationality Act shall apply to assistance furnished under chapter 2 of title IV of such Act after October 1, 1980, or such earlier date as the Director of the Office of Refugee Resettlement may establish.

TITLE IV—SOCIAL SERVICES FOR CERTAIN APPLICANTS FOR ASYLUM

SEC. 401. (a) The Director of the Office of Refugee Resettlement is authorized to use funds appropriated under paragraphs (1) and (2) of section 414(a) of the Immigration and Nationality Act to reimburse State and local public agencies for expenses which those agencies incurred, at any time, in providing aliens described in subsection (c) of this section with social services of the types for which reimbursements were made with respect to refugees under paragraphs (3) through (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962 (as in effect prior to the enactment of this Act) or under any other Federal law.

(b) The Attorney General is authorized to grant to an alien described in subsection (c) of this section permission to engage in employment in the United States and to provide to that alien an "employment authorized" endorsement or other appropriate work permit.

(c) This section applies with respect to any alien in the United States (1) who has applied before November 1, 1979, for asylum in the United States, (2) who has not been granted asylum, and (3) with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered.

And the House agrees to the same.

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JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

DEFINITION OF "REFUGEE"

The Senate bill incorporated the internationally-accepted definition of refugee contained in the U.N. Convention and Protocol Relating to the Status of Refugees. It also covered persons who are in their own country displaced by military or civil disturbances or who are uprooted by arbitrary detention and unable to return to their usual place of abode.

The House amendment incorporated the U.N. definition, as well as Presidentially-specified persons within their own country who are being persecuted or who fear persecution. The House amendment specifically excluded from the definition persons who themselves have engaged in persecution.

The Conference substitute adopts the House provision. It is the expectation of the Conferees that a determination of whether a refugee is "firmly resettled" under the statutory definition should be governed by regulations promulgated by the Attorney General in consultation with the Secretary of State. The Conferees also direct the Attorney General to submit periodic reports detailing the numbers, country of origin, and factual circumstances concerning those refugees who are denied admission under the "firmly resettled" criteria or who are admitted to the United States after having travelled to another country for resettlement.

NUMERICAL LIMITATION ON NORMAL FLOW

The Senate bill provided for an annual flow of refugees of 50,000 for fiscal years 1980, 1981 and 1982, with a limitation thereafter to be determined as the result of consultation with the Congress.

The House amendment provided for an annual flow of refugees of 50,000 for fiscal years 1980, 1981 and 1982, with an annual limit of 17,400 thereafter.

The Conference substitute adopts the Senate provision. It is the intent of the conferees that prior to fiscal year 1983, Congress will review the 50,000 annual numerical limitation and take appropriate action to retain or adjust this figure.

COMMITTEE/CONGRESSIONAL PROCEDURES ON ADMISSIONS OF REFUGEES

The Senate bill required a hearing and report by the Judiciary Committees within thirty days of a continuous session of Congress on proposals to increase refugee admission beyond the 50,000 normal flow.

The Houe amendment requires the substance of consultations between the Attorney General and the Judiciary Committees on proposals to increase the normal flow, as well as in emergency situations, to be printed in the Congressional Record. The House amendment also requires a hearing on proposals to increase the normal flow, and, if possible, in emergency situations, and provided for a one-house veto of a Presidential determination to increase the normal flow of refugees beyond 50,000.

The Conference substitute adopts the House provision concerning the printing of the substance of consultations and the conduct of hearings, but deletes the one-house veto procedure.

ASYLUM AND WITHHOLDING OF DEPORTATION

The Senate bill provided for withholding deportation of aliens to countries where they would face persecution, unless their deportation would be permitted under the U.N. Convention and Protocol Relating to the Status of Refugees.

The House amendment provided a similar withholding procedure unless any of four specific conditions (those set forth in the

aforementioned international agreements) were met.

The Conference substitute adopts the House provision with the understanding that it is based directly upon the language of the Protocol and it is intended that the provision be construed consistent with the Protocol. The Conferees direct the Attorney General to establish a new uniform asylum procedure under the provisions of this legislation.

LIMITATION ON PAROLE

The House amendment limited the use of parole to individual refugees and required that in utilizing parole, the Attorney General must determine that "compelling reasons in the public interest . . . require that the alien be paroled into the United States rather than be admitted as a refugee."

The Senate bill had no comparable provision.

The Conference substitute adopts the House version and provides for a sixty day delayed effective date on the parole limitation. The Conferees, in accepting the House limitation on the parole of refugees, recognize that it does not affect the Attorney General's authority under section 212(d)(5) of the Immigration and Nationality Act to parole aliens who are not deemed to be refugees. In adopting the delayed effective date, the Conferees wish to make it clear that existing refugee parole programs will continue until a consultation on future refugee admission programs is held under the terms of this legislation.

ADMISSION STATUS OF REFUGEES

The Senate bill provided that refugees entering the United States under normal flow or additions to normal flow procedures would be admitted as lawful permanent residents. Those entering in emergency situations would be admitted conditionally or as lawful permanent residents in the discretion of the Attorney General.

The House amendment provided that all refugees entering the United States be admitted conditionally as "refugees" with retroactive adjustment of status to lawful permanent residents after two years.

The Conference substitute adopts the House version with adjustment of status permitted after a period of one year. It is the intent of the Conferees, in creating this new "refugee" status, that such individuals not be subjected to employment discrimination as a result of state or local licensing laws and that for purposes of such laws, they should be viewed as having the status of permanent resident aliens.

U.S. COORDINATOR FOR REFUGEE AFFAIRS

The House amendment provided for the establishment of a statutory Office of Refugee Policy in the Executive office of the President responsible for the development and coordination of U. S. refugee policy.

The Senate bill had no comparable position and would have permitted the status quo. (At the current time, under Presidential directive, the Office of the U. S. Coordinator for Refugee Affairs, headed by an Ambassador at Large, is located within the Department of State.)

The conference substitute provides for a statutory U. S. Coordinator for Refugee Affairs with the rank of Ambassador at Large, to be appointed by the President, by and with the advice and consent of the Senate. Given the various agencies involved in refugee assistance, both foreign and domestic, the conferees request that the President review the question of the location of the office of the U. S. Coordinator for Refugee Affairs, and advise the Congress within one year of date of enactment of this legislation of his decision concerning the appropriate location for such office.

HEW OFFICE OF REFUGEE RESETTLEMENT

The House bill established an Office of Refugee Resettlement within the Department of HEW (Health and Human Services).

The Senate had no comparable provision and would have permitted the President under existing law to designate which agency should be responsible for refugee resettlement activities.

The Conference substitute follows the House provision, but does not require that the Director report directly to the Secretary. However, it is the intention of the conferees that the Director should, unless and until a reorganization of the Department occurs, report directly to the Secretary; the conferees desire to maintain some flexibility in the statute for future administrative changes justified by experience. The conferees have provided that the function of the Office and its director are to be carried out in consultation with and under the general policy guidance of the U.S. Coordinator for Refugee Affairs.

PROGRAM OF INITIAL RESETTLEMENT

The Senate bill retained contracting authority for reception and placement grants in the Department of State.

The House amendment transferred the authority for resettlement and placement grants from the Department of State to the Department of HEW (Health and Human Services) in FY 1982. During FY 1980 and FY 1981 the House required coordination between the Department of State and the Department of HEW.

The Conference substitute adopts the House amendment with the following addition: The President is required to provide for a study of which agency is best able to administer the resettlement grant program and to report, not later than March 1, 1981, to the Congess on such study. If the President determines after such study that the Director should not administer the program he is authorized to designate the appropriate agency and/or official to carry out this responsibility.

SUPPORTIVE SERVICES

The Senate bill authorized necessary funds for projects and programs designed to assist refugees in becoming self-reliant (including English language and other training, and social and employment services.) The Senate bill also allocated $40 million annually for special projects.

The House amendment authorized $200 million over two fiscal years to fund refugee services, such as English language training, employment and social service training, health, social, and educational services.

The Conference substitute authorizes $200 million annually for supportive services to be funded through discretionary grants and contracts. The Conferees intend that, wherever appropriate, the Director may expend certain of these funds through special projects which provide essential, coordinated, and effective resettlement services. It is the intent of the Conferees that the term "public or private non profit agencies" shall include state and local government agencies, private voluntary agencies, post-secondary educational institutions, as well as other qualified private non profit agencies.

CASH AND MEDICAL ASSISTANCE

The Senate bill authorized federal reimbursement for cash and medical assistance provided to refugees for two years after the refugee's arrival. The two year limitation did not apply during fiscal year 1980.

The House amendment authorized similar reimbursement for a four year period after the refugee's arrival and the limitation did not apply during fiscal years 1980 and 1981.

The Conference substitute adopts a reimbursement period of three years following the refugee's arrival and the three year limitation does not apply for fiscal year 1980 and the first six months of fiscal year 1981.

The Conferees intend to provide the Director sufficient flexibility, in providing cash and medical assistance and other assistance, to respond to the different problems and needs of the various refugee groups and to utilize proven resettlement techniques such as the current resettlement program for Soviet Jews.

CUBAN REFUGEE PROGRAM

The Senate bill provided for the continued phase down of the Cuban refugee program through fiscal year 1983.

The House amendment had no comparable provision.

The Conference substitute adopts the Senate provision.

AUTHORIZATION PERIOD

The Senate bill provided for an open-ended authorization of funds for domestic resettlement activities.

The House amendment provided for a two year authorization of funds for domestic resettlement activities.

The Conference substitute adopts a three year authorization period.

SOCIAL SERVICES FOR CERTAIN ASYLUM APPLICANTS

The House amendment authorized reimbursement of State and local public agencies for assistance provided to aliens who applied for asylum before November 1, 1979 and who are awaiting determination of their claims. The House amendment also authorized the Attorney General to grant permission to engage in employment to these individuals pending determination of their claims.

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Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement of Mr. KENNEDY be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR KENNEDY

As the chief sponsor of S. 643, The Refugee Act of 1980, and as one of the Conferees on the bill, I want to express my strong support to the Senate for this Conference Report.

This report combines the best features of both the Senate and House versions of this bill. As reported, I believe S. 643 represents the single most significant reform of our Nation's immigration statute in 15 years—since the major amendments in 1965.

This Act gives statutory meaning to our national commitment to human rights and humanitarian concerns—which are not now reflected in our immigration law. It reforms our law governing the admission and resettlement of refugees—a fundamental human rights issue.

This legislation will also insure greater equity in our treatment of all refugees. It will rationalize and write into the statute how we respond to refugee emergencies. And it will make our law conform to the United Nations Convention and Protocol Relating to the Status of Refugees, which we signed in 1969.

Over the years America has responded generously to the needs of the homeless. We have a proud record of accomplishment in offering a helping hand to refugees. This Act—which has the strong support of the voluntary agencies and church groups, as well as many other organizations and groups—will help us to do this job better, and to resettle refugees more humanely with greater planning and at reduced costs.

For too long our Nation's policy and programs for refugees have been worked out on an ad hoc basis, without any overall statutory authority of programatic guidelines. Recognizing this need for a national refugee policy, I initiated consultations in late 1978 with the Executive Branch and the voluntary agencies and others concerned over refugee reform, in an effort to develop a consensus over what needed to be done.

Using the text of an earlier refugee bill I had introduced, I wrote on September 11, 1978 to the Secretary of State, the Attorney General, the Secretary of Health, Education and Welfare, and to the Chairman of the American Council of Voluntary Agencies' Committee on Migration and Refugees, the following letter:

I believe there is an urgent need for the United States to begin to take the steps necessary to establish a long range refugee policy—a policy which will treat all refugees fairly and assist all refugees equally. Such a national refugee policy is now clearly lacking, and there is too little coordination between the various branches of Government involved with refugee programs, and with the voluntary resettlement agencies.

"Given the Senate calendar, there probably will not be the opportunity to act this year on S. 2751 [95th Congress], or on refugee legislation generally. However, it is my firm intention early in the next session of Congress to pursue in an orderly and thoughtful way the growing problems our country faces in meeting the resettlement needs of refugees around the world. With this goal in mind, I would like to begin now to work with you and others in the Executive Branch to shape proposals that will help lay the basis for early legislative action on a national refugee policy.

"The refugees of tomorrow, like the refugees of today, will continue to look to the United States for safe haven and resettlement opportunities—and our Government will continue to be called upon to help. Yet all agree that present law and practice is inadequate, and that the piecemeal aproach of our Government in reacting to individual refugee crises as they occur is no longer tolerable. We must learn from our recent experience with the Indochinese refugee program, and explore new methods for meeting the growing demands for refugee resettlement in the United States.

"I believe the provisions of my bill, S. 2751, go a long way in helping to establish a national policy of welcome to refugees. However, this basic reform of the immigration law deals with only half the problem—the admission of refugees to the United States. We must also consider the problems involved in their resettlement in communities across our land, and what the Federal responsibility is to help in that resettlement process."

Working closely with the House Judiciary Committee, this began a process of consultations between the Congress and the Executive Branch that led to the introduction of S. 643 and to the Conference Report we have before us today.

Mr. President, with this background on the evolution of this bill, and as a Conferee on it, I would like to comment, for the Record, on several specific provisions of this important legislation, and on the reforms of current law and practice it will change.

DEFINITION OF A REFUGEE

First, Mr. President, one of the most important achievements of this Act is the change in the definition of a refugee. It repeals the cold war definition of a refugee, which has been in the law since 1952. The new definition makes our law conform to the United Nations Convention and Protocol Relating to the Status of Refugees, and provides as well for "displaced persons" within their own country. This is to provide for situations such as Saigon in 1975, where refugees of special humanitarian concern to the United States were directly evacuated from their country.

In addition, it is the clear legislative history behind this bill, as expressed in both the House and Senate reports on it, that the definition in the Act also applies to people in detention who may be permitted to leave their country if accepted by the governments—such as the "state of siege" detainees in Argentina or the Cuban prisoner release program in Havana today.

ADMISSION OF REFUGEES

For the first time in nearly three decades, Mr. President, this legislation establishes realistic provisions governing the admission of refugees—both "normal flow" refugees and those admitted under emergency situations. Until fiscal year 1983 the normal flow will be 50,000. But this number can be increased by the President prior to the beginning of the fiscal year following consultations with Congress. Contrary to current law, the consultation process is now specifically outlined in the statute, ending the current parole process which is merely governed by custom and practice.

During an emergency situation, the President may also admit additional refugees following consultations with Congress.

ADMISSION STATUS OF REFUGEES

S. 643 as it passed the Senate would have ended years of admitting refugees as "conditional entrants" or "parolees," and treat all refugees as we treat all other immigrants by admitting them as permanent resident aliens. However, the Conferees concluded a one-year "conditional entry" status as a "refugee" would be useful until the new system and procedures under the new Act were fully implemented.

Hence, the Conferees compromised on the House version and established a new "refugee" admission status—different from either the present "conditional entry" or "parolee" status. This new status will end after only one year—rather than two years—after which the refugee can adjust to permanent resident status. This one year "refugee" status would also be counted towards the five-year period required for naturalization.

More importantly, the provisions of S. 643 will not require an officer of the Immigration and Naturalization Service to process all "refugee" applications. Both consular officers in the United States Embassies overseas, as well as officers of the Immigration and Naturalization Service, are authorized to process refugee applications.

It would be my strong view that arrangements between the Attorney-General and Secretary of State should be immediately concluded to carry out this provision, so as to avoid unnecessary duplication of work between INS and Department of State personnel—such as in Bangkok, Thailand today, where Embassy officials now complete all the interviewing and screening of Indochinese refugee applicants, but INS officers must nonetheless fly in, on expensive temporary duty, to simply bless the exhaustive paperwork and processing already done by Department of State personnel. There is no need for INS personnel to duplicate or second guess what consular officers have done.

Also, in individual refugee cases, in the many areas of the world where no INS offices are located, it only makes sense to permit consular officers to process refugee applications.

ASYLUM PROVISIONS

For the first time, Mr. President, this Act establishes a clearly defined asylum provision in United States immigration law. It provides that up to 5,000 of the "normal flow" numbers can be used to grant asylum to persons within the United States, or to persons reaching our shores, who can claim to be refugees. This provision also conforms to our international treaty obligations under the United Nations Convention and Protocol Relating to the Status of Refugees.

It is the intention of the Conferees that the Attorney General should immediately create a uniform procedure for the treatment of asylum claims filed in the United States or at our ports of entry. Present regulations and procedures now used by the Immigration Service simply do not conform to either the spirit or to the new provisions of this Act.

Also, relative to the suspension of deportation, under Section 243(h) of the Immigration and Nationality Act, it is the intention of the Conferees that the new provisions of this Act shall be implemented consistent with the relevant provisions of the United Nations Convention and Protocol.

Regarding the application of Section 245(c) on asylum claims, it is the intention of the Conferees that Section 245(c), on its face, only applies to adjustments of status under that section alone—and not under the new provisions added by this Act. Thus, refugees, such as some Ethiopians who have come to my attention in Boston, who have been granted asylum in the United States but who have been unable to adjust their status under section 203(a)(7) in current law, because of the limitations of Section 245(c), can now apply for adjustment of status under the new Section 209(b) of this Act. This is also intended to apply to those granted asylum before the enactment of this Act.

aforementioned international agreements) were met.

The Conference substitute adopts the House provision with the understanding that it is based directly upon the language of the Protocol and it is intended that the provision be construed consistent with the Protocol. The Conferees direct the Attorney General to establish a new uniform asylum procedure under the provisions of this legislation.

LIMITATION ON PAROLE

The House amendment limited the use of parole to individual refugees and required that in utilizing parole, the Attorney General must determine that "compelling reasons in the public interest . . . require that the alien be paroled into the United States rather than be admitted as a refugee."

The Senate bill had no comparable provision.

The Conference substitute adopts the House version and provides for a sixty day delayed effective date on the parole limitation. The Conferees, in accepting the House limitation on the parole of refugees, recognize that it does not affect the Attorney General's authority under section 212(d)(5) of the Immigration and Nationality Act to parole aliens who are not deemed to be refugees. In adopting the delayed effective date, the Conferees wish to make it clear that existing refugee parole programs will continue until a consultation on future refugee admission programs is held under the terms of this legislation.

ADMISSION STATUS OF REFUGEES

The Senate bill provided that refugees entering the United States under normal flow or additions to normal flow procedures would be admitted as lawful permanent residents. Those entering in emergency situations would be admitted conditionally or as lawful permanent residents in the discretion of the Attorney General.

The House amendment provided that all refugees entering the United States be admitted conditionally as "refugees" with retroactive adjustment of status to lawful permanent residents after two years.

The Conference substitute adopts the House version with adjustment of status permitted after a period of one year. It is the intent of the Conferees, in creating this new "refugee" status, that such individuals not be subjected to employment discrimination as a result of state or local licensing laws and that for purposes of such laws, they should be viewed as having the status of permanent resident aliens.

U.S. COORDINATOR FOR REFUGEE AFFAIRS

The House amendment provided for the establishment of a statutory Office of Refugee Policy in the Executive office of the President responsible for the development and coordination of U. S. refugee policy.

The Senate bill had no comparable position and would have permitted the status quo. (At the current time, under Presidential directive, the Office of the U. S. Coordinator for Refugee Affairs, headed by an Ambassador at Large, is located within the Department of State.)

The conference substitute provides for a statutory U. S. Coordinator for Refugee Affairs with the rank of Ambassador at Large, to be appointed by the President, by and with the advice and consent of the Senate. Given the various agencies involved in refugee assistance, both foreign and domestic, the conferees request that the President review the question of the location of the office of the U. S. Coordinator for Refugee Affairs, and advise the Congress within one year of date of enactment of this legislation of his decision concerning the appropriate location for such office.

HEW OFFICE OF REFUGEE RESETTLEMENT

The House bill established an Office of Refugee Resettlement within the Department of HEW (Health and Human Services).

The Senate had no comparable provision and would have permitted the President under existing law to designate which agency should be responsible for refugee resettlement activities.

The Conference substitute follows the House provision, but does not require that the Director report directly to the Secretary. However, it is the intention of the conferees that the Director should, unless and until a reorganization of the Department occurs, report directly to the Secretary; the conferees desire to maintain some flexibility in the statute for future administrative changes justified by experience. The conferees have provided that the function of the Office and its director are to be carried out in consultation with and under the general policy guidance of the U.S. Coordinator for Refugee Affairs.

PROGRAM OF INITIAL RESETTLEMENT

The Senate bill retained contracting authority for reception and placement grants in the Department of State.

The House amendment transferred the authority for resettlement and placement grants from the Department of State to the Department of HEW (Health and Human Services) in FY 1982. During FY 1980 and FY 1981 the House required coordination between the Department of State and the Department of HEW.

The Conference substitute adopts the House amendment with the following addition: The President is required to provide for a study of which agency is best able to administer the resettlement grant program and to report, not later than March 1, 1981, to the Congress on such study. If the President determines after such study that the Director should not administer the program he is authorized to designate the appropriate agency and/or official to carry out this responsibility.

SUPPORTIVE SERVICES

The Senate bill authorized necessary funds for projects and programs designed to assist refugees in becoming self-reliant (including English language and other training, and social and employment services.) The Senate bill also allocated $40 million annually for special projects.

The House amendment authorized $200 million over two fiscal years to fund refugee services, such as English language training, employment and social service training, health, social, and educational services.

The Conference substitute authorizes $200 million annually for supportive services to be funded through discretionary grants and contracts. The Conferees intend that, wherever appropriate, the Director may expend certain of these funds through special projects which provide essential, coordinated, and effective resettlement services. It is the intent of the Conferees that the term "public or private non profit agencies" shall include state and local government agencies, private voluntary agencies, post-secondary educational institutions, as well as other qualified private non profit agencies.

CASH AND MEDICAL ASSISTANCE

The Senate bill authorized federal reimbursement for cash and medical assistance provided to refugees for two years after the refugee's arrival. The two year limitation did not apply during fiscal year 1980.

The House amendment authorized similar reimbursement for a four year period after the refugee's arrival and the limitation did not apply during fiscal years 1980 and 1981.

The Conference substitute adopts a reimbursement period of three years following the refugee's arrival and the three year limitation does not apply for fiscal year 1980 and the first six months of fiscal year 1981.

The Conferees intend to provide the Director sufficient flexibility, in providing cash and medical assistance and other assistance, to respond to the different problems and needs of the various refugee groups and to utilize proven resettlement techniques such as the current resettlement program for Soviet Jews.

CUBAN REFUGEE PROGRAM

The Senate bill provided for the continued phase down of the Cuban refugee program through fiscal year 1983.

The House amendment had no comparable provision.

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AUTHORIZATION PERIOD

The Senate bill provided for an open-ended authorization of funds for domestic resettlement activities.

The House amendment provided for a two year authorization of funds for domestic resettlement activities.

The Conference substitute adopts a three year authorization period.

SOCIAL SERVICES FOR CERTAIN ASYLUM APPLICANTS

The House amendment authorized reimbursement of State and local public agencies for assistance provided to aliens who applied for asylum before November 1, 1979 and who are awaiting determination of their claims. The House amendment also authorized the Attorney General to grant permission to engage in employment to these individuals pending determination of their claims.

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*Managers on the Part of the Senate.*

LIMITATION ON PAROLE

The Conferees agreed to write into the new law the clear legislative intent of both Houses that the parole authority in Section 212(d)(5) should no longer be used to admit groups of refugees—since the new provisions of this Act should provide ample flexibility and authority in dealing with foreseen or unforeseen refugee situations.

However, Section 212(d)(5) of the I & N Act remains intact, and while the Conferees accepted the limitation in the House bill we clearly recognize that they do not limit the Attorney General's parole authority to admit individuals or groups of aliens who are not deemed to be refugees under the terms of this Act.

It is also the clear intention of the Conferees that existing parole programs will continue until the consultation process under this Act is completed, and that such parole programs as the Western *Hemisphere Parole* Program should go forward until reviewed by Congress under the provisions of this legislation.

DOMESTIC RESETTLEMENT ASSISTANCE

Mr. President, a crucial part of this Act, is Title III, which authorizes federal assistance in support of resettling refugees in the United States. Because the admission of refugees is outside our normal immigration procedures and is the result of a national policy decision, obviously the federal government has a direct responsibility to assist State and local communities in resettling such refugees—assisting them until they are self-supporting and contributing members of their adopted communities.

The issues before the Conferees was how long should this federal responsibility be reasonably extended. In adopting the compromise language in the Conference Report on Title III reimbursements, the Conferees were mindful of the deep concern of many State and local agencies that federal assistance must be long enough to assure that local communities will not be taxed for programs they did not initiate. Yet, the Conferees were also concerned that we must not have an open-ended authorization.

As the bill was originally submitted by the Administration, there was a two-year limitation on most resettlement programs authorized in Title III. Both Committees, in considering the bill, felt that this two-year limitation across the board was too restrictive, and was inadequate to meet the resettlement, needs of refugees. In the Senate we amended the bill to lift all limitations on social service and training programs and on special projects. And on the floor we provided for a one-year transition period, and then a two-year limitation only on the reimbursement for cash and medical payments. The House bill had a two-year transition period, and thereafter a four-year limitation.

The Conferees compromised on a 1½ year transition—since we are so far into the current fiscal year—and a three-year limitation on federal reimbursements after that date to all refugees. I believe this compromise, and the other authorities in Title III which have no time limitation, more than adequately fulfills the federal responsibility in helping to resettle refugees.

This Act also authorizes $200 million annually for discretionary grants and contracts for special projects, programs, and services for refugees. It is the intent of the Conferees that the term "public and private nonprofit agenices" who shall be eligible to receive and program these funds include: "State and local government agencies, private voluntary agenices, post-secondary educational institutions, as well as other qualified private nonprofit agencies."

U.S. COORDINATOR FOR REFUGEE AFFAIRS AND OFFICE OF REFUGEE RESETTLEMENT IN HEW

Recognizing that the administrative structure in the Executive Branch has been inadequate to fully support the refugee resettlement effort, both Congress and the Executive Branch have moved in recent months to strengthen governmental structures in this area. The Conferees, building upon these initiatives, took the essential elements of the House version of the bill, which give statutory authority to two offices recently created by the President or by administrative regulation.

The Act establishes a United States Coordinator for Refugee Affairs, to be appointed by the President, with the advice and consent of the Senate. The President has the discretionary authority to place the Coordinator wherever he feels this office is most appropriate over time. However, it is the current view of most of the Conferees that the President should move the Coordinator to the Executive Office, to give the Coordinator the government-wide authority the office needs.

The Conference substitute also establishes an Office of Refugee Resettlement in the Department of Health and Human Services. It is the intention of the Conferees that this Office function "in consultation with and under the general policy guidance of the U.S. Coordinator for Refugee Affairs."

INITIAL RESETTLEMENT GRANTS

In resolving the different approaches of the Senate and House versions of the bill towards the administration of initial resettlement grants, the Conferees were very sensitive to the concerns of the voluntary agencies, who carry the initial responsibility in helping refugees resettle in the United States. The Conferees share their view that the new legislation should not freeze into the statute the arbitrary decision that HEW will administer these resettlement grants in two years, until it has proven its ability to do so, and until it is clearly in the best interest of the resettlement program. Therefore, the Conferees require the President to undertake a study on which agency and/or official in government is best able to administer the initial resettlement grants and to report to Congress no later than March 1, 1981 on his findings. If the President, over the following fiscal year, decides that the Office of Refugee Resettlement in H.E.W. should not administer these grants, he may determine by Presidential order where they should be administered.

CONCLUDING COMMENT

Mr. President, S. 643 deals with one of the oldest and most important themes in our Nation's history—welcoming homeless refugees to our shores. It relates to our country's ability to respond to the resettlement needs of refugees around the world, which touches at the heart of America's foreign policy. It reflects the humanitarian tradition of the American People. For all these reasons and more, I strongly urge the adoption of this Conference Report by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

CITIZENS' COMMITTEE FOR IMMIGRATION REFORM
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Immigration

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Franklin Williams
Aloysius Wycislo

NINA K. SOLARZ
Executive Director

October 26, 1981

Rabbi Marc H. Tanenbaum
National Director
Interreligious Affairs
American Jewish Committee
165 East 56th Street
New York, New York 10022

Dear Marc:

Immigration and refugee issues are very much on the minds of the Administration and members of Congress these days. Both the House and Senate Subcommittees, chaired by Ron Mazzoli of Kentucky and Alan Simpson of Wyoming, have been holding hearings on all aspects of the President's proposals.

Members of our Committee have testified on several occasions already on the Administration's overall policy, mass asylum, legalization, employer sanctions and an identification system. We will continue to testify when invited. In addition, I have helped to secure witnesses for the Judiciary Committees from other organizations.

The overall feeling in Washington is that the recommendations of the Select Commission and our point of view are the most sound and significant, but the task ahead is still enormous and the issues require constant vigilence.

There have been many articles and editorials in newspapers around the country which I thought might be of interest to you. Further, we plan to publish our first newsletter shortly with substantive articles and information on immigration and refugee issues. Please feel free to let me know if you come across items for inclusion in our newsletter which might interest our members.

AMERICAN JEWISH ARCHIVES

I am pleased to welcome Victor Palmieri, former Coordinator of the Office of Refugee Affairs, Liv Ullman, citizen of the world, W. Michael Blumenthal, former Secretary of the Treasury and Chairman of the Burroughs Corporation, Vernon Jordan, President of the National Urban League, Arthur Flemming, Chairman of the U.S. Commission on Civil Rights and Charles Keely of the Population Council among our ranks. This brings our number to 61 strong.

Thank you for all of your encouragement, enthusiasm and concern. I appreciate your involvement.

Sincerely,

Nina K. Solarz

Nina K. Solarz
Executive Director

Enclosures

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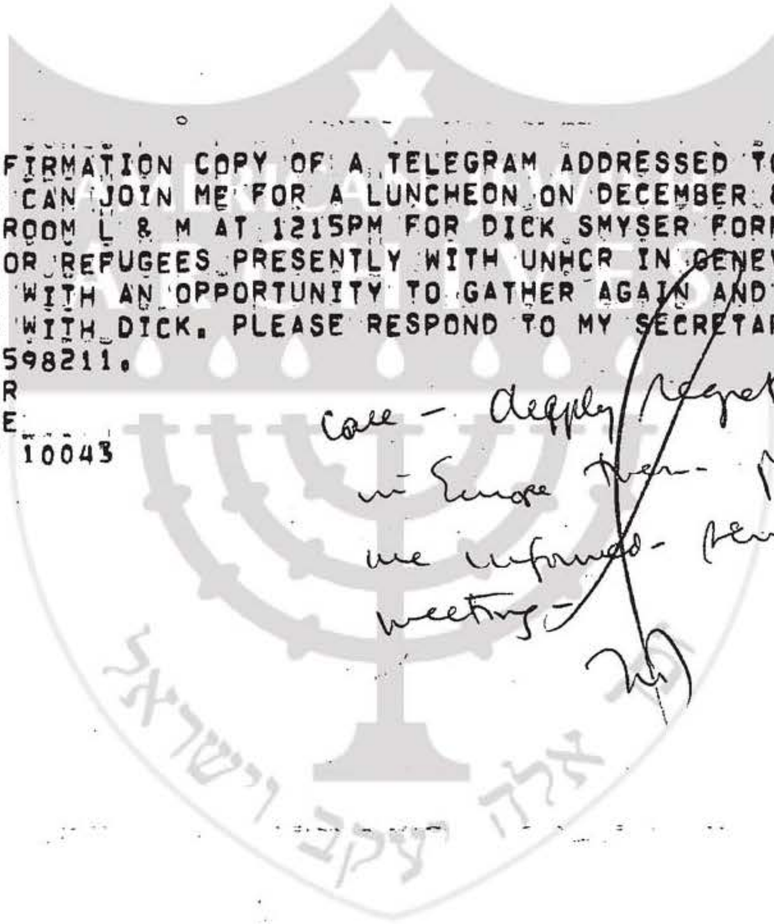

THIS IS A CONFIRMATION COPY OF A TELEGRAM ADDRESSED TO YOU
I DO HOPE YOU CAN JOIN ME FOR A LUNCHEON ON DECEMBER 8 AT 399 PARK
AVE 39 FLOOR ROOM L & M AT 1215PM FOR DICK SMYSER FORMER ACTING
COORDINATOR FOR REFUGEES PRESENTLY WITH UNHCR IN GENEVA. THE OCCASION WI
LL PROVIDE US WITH AN OPPORTUNITY TO GATHER AGAIN AND TO SHARE
SOME THOUGHTS WITH DICK. PLEASE RESPOND TO MY SECRETARY MISS PAULINE
STROZ AT 2125598211.
RICK WHEELER
399 PARK AVE
NEW YORK NY 10043

Call - deeply regret will be in Europe then - please keep me informed - send report of meeting -
MHT

15:21 EST

MGMCOMP

5241 (R1/78)

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement of Mr. KENNEDY be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR KENNEDY

As the chief sponsor of S. 643, The Refugee Act of 1980, and as one of the Conferees on the bill, I want to express my strong support to the Senate for this Conference Report.

This report combines the best features of both the Senate and House versions of this bill. As reported, I believe S. 643 represents the single most significant reform of our Nation's immigration statute in 15 years—since the major amendments in 1965.

This Act gives statutory meaning to our national commitment to human rights and humanitarian concerns—which are not now reflected in our immigration law. It reforms our law governing the admission and resettlement of refugees—a fundamental human rights issue.

This legislation will also insure greater equity in our treatment of all refugees. It will rationalize and write into the statute how we respond to refugee emergencies. And it will make our law conform to the United Nations Convention and Protocol Relating to the Status of Refugees, which we signed in 1969.

Over the years America has responded generously to the needs of the homeless. We have a proud record of accomplishment in offering a helping hand to refugees. This Act—which has the strong support of the voluntary agencies and church groups, as well as many other organizations and groups—will help us to do this job better, and to resettle refugees more humanely with greater planning and at reduced costs.

For too long our Nation's policy and programs for refugees have been worked out on an ad hoc basis, without any overall statutory authority of programatic guidelines. Recognizing this need for a national refugee policy, I initiated consultations in late 1978 with the Executive Branch and the voluntary agencies and others concerned over refugee reform, in an effort to develop a consensus over what needed to be done.

Using the text of an earlier refugee bill I had introduced, I wrote on September 11, 1978 to the Secretary of State, the Attorney General, the Secretary of Health, Education and Welfare, and to the Chairman of the American Council of Voluntary Agencies' Committee on Migration and Refugees, the following letter:

I believe there is an urgent need for the United States to begin to take the steps necessary to establish a long range refugee policy—a policy which will treat all refugees fairly and assist all refugees equally. Such a national refugee policy is now clearly lacking, and there is too little coordination between the various branches of Government involved with refugee programs, and with the voluntary resettlement agencies.

"Given the Senate calendar, there probably will not be the opportunity to act this year on S. 2751 [95th Congress], or on refugee legislation generally. However, it is my firm intention early in the next session of Congress to pursue in an orderly and thoughtful way the growing problems our country faces in meeting the resettlement needs of refugees around the world. With this goal in mind, I would like to begin now to work with you and others in the Executive Branch to shape proposals that will help lay the basis for early legislative action on a national refugee policy.

"The refugees of tomorrow, like the refugees of today, will continue to look to the United States for safe haven and resettlement opportunities—and our Government will continue to be called upon to help. Yet all agree that present law and practice is inadequate, and that the piecemeal aproach of our Government in reacting to individual refugee crises as they occur is no longer tolerable. We must learn from our recent experience with the Indochinese refugee program, and explore new methods for meeting the growing demands for refugee resettlement in the United States.

"I believe the provisions of my bill, S. 2751, go a long way in helping to establish a national policy of welcome to refugees. However, this basic reform of the immigration law deals with only half the problem—the admission of refugees to the United States. We must also consider the problems involved in their resettlement in communities across our land, and what the Federal responsibility is to help in that resettlement process."

Working closely with the House Judiciary Committee, this began a process of consultations between the Congress and the Executive Branch that led to the introduction of S. 643 and to the Conference Report we have before us today.

Mr. President, with this background on the evolution of this bill, and as a Conferee on it, I would like to comment, for the Record, on several specific provisions of this important legislation, and on the reforms of current law and practice it will change.

DEFINITION OF A REFUGEE

First, Mr. President, one of the most important achievements of this Act is the change in the definition of a refugee. It repeals the cold war definition of a refugee, which has been in the law since 1952. The new definition makes our law conform to the United Nations Convention and Protocol Relating to the Status of Refugees, and provides as well for "displaced persons" within their own country. This is to provide for situations such as Saigon in 1975, where refugees of special humanitarian concern to the United States were directly evacuated from their country.

In addition, it is the clear legislative history behind this bill, as expressed in both the House and Senate reports on it, that the definition in the Act also applies to people in detention who may be permitted to leave their country if accepted by the governments—such as the "state of siege" detainees in Argentina or the Cuban prisoner release program in Havana today.

ADMISSION OF REFUGEES

For the first time in nearly three decades, Mr. President, this legislation establishes realistic provisions governing the admission of refugees—both "normal flow" refugees and those admitted under emergency situations. Until fiscal year 1983 the normal flow will be 50,000. But this number can be increased by the President prior to the beginning of the fiscal year following consultations with Congress. Contrary to current law, the consultation process is now specifically outlined in the statute, ending the current parole process which is merely governed by custom and practice.

During an emergency situation, the President may also admit additional refugees following consultations with Congress.

ADMISSION STATUS OF REFUGEES

S. 643 as it passed the Senate would have ended years of admitting refugees as "conditional entrants" or "parolees," and treat all refugees as we treat all other immigrants by admitting them as permanent resident aliens. However, the Conferees concluded a one-year "conditional entry" status as a "refugee" would be useful until the new system and procedures under the new Act were fully implemented.

Hence, the Conferees compromised on the House version and established a new "refugee" admission status—different from either the present "conditional entry" or "parolee" status. This new status will end after only one year—rather than two years—after which the refugee can adjust to permanent resident status. This one year "refugee" status would also be counted towards the five-year period required for naturalization.

More importantly, the provisions of S. 643 will not require an officer of the Immigration and Naturalization Service to process all "refugee" applications. Both consular officers in the United States Embassies overseas, as well as officers of the Immigration and Naturalization Service, are authorized to process refugee applications.

It would be my strong view that arrangements between the Attorney-General and Secretary of State should be immediately concluded to carry out this provision, so as to avoid unnecessary duplication of work between INS and Department of State personnel—such as in Bangkok, Thailand today, where Embassy officials now complete all the interviewing and screening of Indochinese refugee applicants, but INS officers must nonetheless fly in, on expensive temporary duty, to simply bless the exhaustive paperwork and processing already done by Department of State personnel. There is no need for INS personnel to duplicate or second guess what consular officers have done.

Also, in individual refugee cases, in the many areas of the world where no INS offices are located, it only makes sense to permit consular officers to process refugee applications.

ASYLUM PROVISIONS

For the first time, Mr. President, this Act establishes a clearly defined asylum provision in United States immigration law. It provides that up to 5,000 of the "normal flow" numbers can be used to grant asylum to persons within the United States, or to persons reaching our shores, who can claim to be refugees. This provision also conforms to our international treaty obligations under the United Nations Convention and Protocol Relating to the Status of Refugees.

It is the intention of the Conferees that the Attorney General should immediately create a uniform procedure for the treatment of asylum claims filed in the United States or at our ports of entry. Present regulations and procedures now used by the Immigration Service simply do not conform to either the spirit or to the new provisions of this Act.

Also, relative to the suspension of deportation, under Section 243(h) of the Immigration and Nationality Act, it is the intention of the Conferees that the new provisions of this Act shall be implemented consistent with the relevant provisions of the United Nations Convention and Protocol.

Regarding the application of Section 245(c) on asylum claims, it is the intention of the Conferees that Section 245(c), on its face, only applies to adjustments of status under that section alone—and not under the new provisions added by this Act. Thus, refugees, such as some Ethiopians who have come to my attention in Boston, who have been granted asylum in the United States but who have been unable to adjust their status under section 203(a)(7) in current law, because of the limitations of Section 245(c), can now apply for adjustment of status under the new Section 209(b) of this Act. This is also intended to apply to those granted asylum before the enactment of this Act.

aforementioned international agreements) were met.

The Conference substitute adopts the House provision with the understanding that it is based directly upon the language of the Protocol and it is intended that the provision be construed consistent with the Protocol. The Conferees direct the Attorney General to establish a new uniform asylum procedure under the provisions of this legislation.

LIMITATION ON PAROLE

The House amendment limited the use of parole to individual refugees and required that in utilizing parole, the Attorney General must determine that "compelling reasons in the public interest . . . require that the alien be paroled into the United States rather than be admitted as a refugee."

The Senate bill had no comparable provision.

The Conference substitute adopts the House version and provides for a sixty day delayed effective date on the parole limitation. The Conferees, in accepting the House limitation on the parole of refugees, recognize that it does not affect the Attorney General's authority under section 212(d)(5) of the Immigration and Nationality Act to parole aliens who are not deemed to be refugees. In adopting the delayed effective date, the Conferees wish to make it clear that existing refugee parole programs will continue until a consultation on future refugee admission programs is held under the terms of this legislation.

ADMISSION STATUS OF REFUGEES

The Senate bill provided that refugees entering the United States under normal flow or additions to normal flow procedures would be admitted as lawful permanent residents. Those entering in emergency situations would be admitted conditionally or as lawful permanent residents in the discretion of the Attorney General.

The House amendment provided that all refugees entering the United States be admitted conditionally as "refugees" with retroactive adjustment of status to lawful permanent residents after two years.

The Conference substitute adopts the House version with adjustment of status permitted after a period of one year. It is the intent of the Conferees, in creating this new "refugee" status, that such individuals not be subjected to employment discrimination as a result of state or local licensing laws and that for purposes of such laws, they should be viewed as having the status of permanent resident aliens.

U.S. COORDINATOR FOR REFUGEE AFFAIRS

The House amendment provided for the establishment of a statutory Office of Refugee Policy in the Executive office of the President responsible for the development and coordination of U. S. refugee policy.

The Senate bill had no comparable position and would have permitted the status quo. (At the current time, under Presidential directive, the Office of the U. S. Coordinator for Refugee Affairs, headed by an Ambassador at Large, is located within the Department of State.)

The conference substitute provides for a statutory U. S. Coordinator for Refugee Affairs with the rank of Ambassador at Large, to be appointed by the President, by and with the advice and consent of the Senate. Given the various agencies involved in refugee assistance, both foreign and domestic, the conferees request that the President review the question of the location of the office of the U. S. Coordinator for Refugee Affairs, and advise the Congress within one year of date of enactment of this legislation of his decision concerning the appropriate location for such office.

HEW OFFICE OF REFUGEE RESETTLEMENT

The House bill established an Office of Refugee Resettlement within the Department of HEW (Health and Human Services).

The Senate had no comparable provision and would have permitted the President under existing law to designate which agency should be responsible for refugee resettlement activities.

The Conference substitute follows the House provision, but does not require that the Director report directly to the Secretary. However, it is the intention of the conferees that the Director should, unless and until a reorganization of the Department occurs, report directly to the Secretary; the conferees desire to maintain some flexibility in the statute for future administrative changes justified by experience. The conferees have provided that the function of the Office and its director are to be carried out in consultation with and under the general policy guidance of the U.S. Coordinator for Refugee Affairs.

PROGRAM OF INITIAL RESETTLEMENT

The Senate bill retained contracting authority for reception and placement grants in the Department of State.

The House amendment transferred the authority for resettlement and placement grants from the Department of State to the Department of HEW (Health and Human Services) in FY 1982. During FY 1980 and FY 1981 the House required coordination between the Department of State and the Department of HEW.

The Conference substitute adopts the House amendment with the following addition: The President is required to provide for a study of which agency is best able to administer the resettlement grant program and to report, not later than March 1, 1981, to the Congress on such study. If the President determines after such study that the Director should not administer the program he is authorized to designate the appropriate agency and/or official to carry out this responsibility.

SUPPORTIVE SERVICES

The Senate bill authorized necessary funds for projects and programs designed to assist refugees in becoming self-reliant (including English language and other training, and social and employment services.) The Senate bill also allocated $40 million annually for special projects.

The House amendment authorized $200 million over two fiscal years to fund refugee services, such as English language training, employment and social service training, health, social, and educational services.

The Conference substitute authorizes $200 million annually for supportive services to be funded through discretionary grants and contracts. The Conferees intend that, wherever appropriate, the Director may expend certain of these funds through special projects which provide essential, coordinated, and effective resettlement services. It is the intent of the Conferees that the term "public or private non profit agencies" shall include state and local government agencies, private voluntary agencies, post-secondary educational institutions, as well as other qualified private non profit agencies.

CASH AND MEDICAL ASSISTANCE

The Senate bill authorized federal reimbursement for cash and medical assistance provided to refugees for two years after the refugee's arrival. The two year limitation did not apply during fiscal year 1980.

The House amendment authorized similar reimbursement for a four year period after the refugee's arrival and the limitation did not apply during fiscal years 1980 and 1981.

The Conference substitute adopts a reimbursement period of three years following the refugee's arrival and the three year limitation does not apply for fiscal year 1980 and the first six months of fiscal year 1981.

The Conferees intend to provide the Director sufficient flexibility, in providing cash and medical assistance and other assistance, to respond to the different problems and needs of the various refugee groups and to utilize proven resettlement techniques such as the current resettlement program for Soviet Jews.

CUBAN REFUGEE PROGRAM

The Senate bill provided for the continued phase down of the Cuban refugee program through fiscal year 1983.

The House amendment had no comparable provision.

The Conference substitute adopts the Senate provision.

AUTHORIZATION PERIOD

The Senate bill provided for an open-ended authorization of funds for domestic resettlement activities.

The House amendment provided for a two year authorization of funds for domestic resettlement activities.

The Conference substitute adopts a three year authorization period.

SOCIAL SERVICES FOR CERTAIN ASYLUM APPLICANTS

The House amendment authorized reimbursement of State and local public agencies for assistance provided to aliens who applied for asylum before November 1, 1979 and who are awaiting determination of their claims. The House amendment also authorized the Attorney General to grant permission to engage in employment to these individuals pending determination of their claims.

The Senate bill had no comparable provision.

The Conference substitute adopts the House provision.

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HERBERT E. HARRIS II,
MICHAEL D. BARNES,
CLEMENT J. ZABLOCKI,
DANTE B. FASCELL,
HAMILTON FISH, Jr.,
JOHN BUCHANAN,
*Managers on the Part of the House.*

EDWARD M. KENNEDY,
BIRCH BAYH,
DENNIS DECONCINI,
STROM THURMOND,
AL SIMPSON,
*Managers on the Part of the Senate.*