

# S A W NEWSLETTER

Vol. 2 No. 1

April 27, 1988

A Periodic Memo on Issues  
Affecting Special Agricultural  
Workers (SAWs) and  
Implementation of the  
Immigration Reform and Control  
Act of 1986

California Rural Legal Assistance Foundation

Herman  
Ernie  
Legal  
Chair

Many items covered in this newsletter are taken from calls received at the California Rural Legal Assistance Foundation (CRLAF) legalization hotline. The hotline is open Monday-Friday, 1 PM to 5 PM and staffed by Michael Muñiz, a licensed attorney with considerable immigration experience. The hotline is available free of charge to any nonprofit direct service provider in need of technical assistance on particular legalization questions.



**Toll-Free Hotline**  
1-800-543-9229

## CENTRAL VALLEY BUSINESSMEN INDICTED FOR FURNISHING FRAUDULENT SAW DOCUMENTS

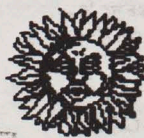
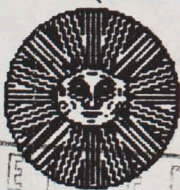
In a grand jury indictment filed in U.S. District Court in Fresno, four Porterville, CA businessmen are charged with 25 counts of conspiracy to create and supply false documents to be used by applicants for Special Agricultural Worker status.

According to an article in *United States Immigration News* (March 1988), the conspiracy involved "hundreds of false documents" including landlord and employer affidavits and INS forms. Applicants paid "substantial sums of money" for the papers, sometimes more than \$2000.

Named as co-conspirators were Gurbax Singh Chandi, Francisco Higareda-Andrade, Jose Elias Santoyo-Aguilera and Ruben Flores. They face individual maximum fines up to \$5.5 million and prison sentences as long as 110 years.

The case was investigated by a special INS task force, the Legalization Fraud Team. According to U.S. Attorney David F. Levi, this is the first known prosecution for creating and supplying documentation for SAW applicants.

(cont. in next column)



In a related development, NCIR reports that SAW applicants at the Bakersfield LO have been summarily denied legalization if their applications were corroborated by a particular farm labor contractor convicted for fraud. Summary denials should be reported to NCIR Attorney Vibiana Andrade (no relation to Francisco H.-Andrade) at 213/487-2531.

## INS EDIFYING ON WHAT IS EDIBLE: DECISION ON CORN IS NOT JUST AN EARFUL

INS has issued a memo confirming that harvesting of corn would be considered qualifying employment under Sec. 210 of IRCA. SAW applicants can count employment in the harvesting of corn as meeting the 90 man-day requirement. Under USDA definitions, corn harvested exclusively for silage would not be a qualifying product since only the human edible parts of fruits and vegetables satisfy the regulations. Greg Leo, INS Director for Congressional and Public Affairs, stated in a February 18, 1988 letter that "because a producer of corn will often not know the eventual use to which his product is put after sale," the INS has expanded the USDA definition to include "all corn, sweet and other." A copy of the February 28 memo is available from the National Center for Immigrants' Rights/1636 W. 8th St., Ste. 215/Los Angeles, CA 90017.

Nadine Wettstein of Southern Arizona Legal Aid's Legalization Project has suggested that the distinction between crops produced for commercial venture and personal use no longer makes sense in light of the INS memo and the reasoning of a related appeals unit decision. Advocates should consider challenging the "human edible" qualifier for other SAW crops. Wettstein, who can be reached at 800/234-7252, is interested in comments on this approach.

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## PUBLIC CHARGE DEFINITION CHALLENGED

Lawyers for legalization seekers filed a suit in federal court in Sacramento on April 12 challenging INS's restrictive interpretation of which aliens applying for amnesty are "likely to become public charges."

The suit, Zambrano v. INS (Case No. CV-88-455 EJG), argues that the INS regulation goes against the intent of Congress and the line of immigration law precedent by eliminating from the legalization rosters persons who have at some time in the past received public assistance—no matter what their present financial circumstances and earning potential. The complaint also charges that the regulation has a discriminatory impact on women—the majority of recipients for AFDC (Aid to Families With Dependent Children). Because of the regulation and related advertising and legalization counseling, many people have been deterred from even filling out an application or seeking advice. The policy affects mainly 1/1/82 applicants in the short-term, as SAWs face a slightly different standard. For those seeking permanent residency, however, the court's decision could have a more far-reaching impact.

Plaintiffs include mothers who were past recipients of AFDC, the mother of a citizen child with cerebral palsy who received a Social Security income supplement (SSI), and a kidney dialysis patient who was getting General Assistance from the county. They are represented by Legal Aid of San Mateo County and California Rural Legal Assistance. Lawyers are asking for a preliminary injunction to remedy the situation for individuals affected in the Ninth Circuit, a judicial area composed of several western states. Their motion will be heard by Judge Garcia of the Eastern District of California on May 3 at 9:30 a.m. For details, contact Attorneys Beth Zacovic, 415/365-8522, Pauline Gee, 916/742-5191, or Steve Rosenbaum, 415/864-3405.

### SAW Newsletter Staff

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## NEW SAW REGULATIONS ISSUED

INS has issued interim final regulations (Fed. Register, Vol.53, p.10062) that took effect on March 29, 1988 relating to the SAW program. The regulations incorporate previous agency memos, policies, and changes in interpretation. For example, the regulations confirm earlier INS statements that SAW applicants are permitted to travel abroad with the I-688A card; that there is no 30-day application deadline for SAW-eligible aliens who were apprehended prior to June 1, 1987; and that SAWs may be issued their temporary resident cards (I-688) at *any* LO. The regulations also explain the procedures for filing a preliminary application at designated ports of entry so that SAW-eligible aliens can enter the U.S.

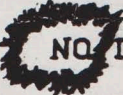
Three provisions in the amended regulations may have an adverse impact on SAWs. First, 8 CFR Sec. 210.2(f) will be changed with respect to notification of decisions. The current regulation requires that notice be sent to the assisting QDE; the amended regulation deletes that requirement. However, the INS has recently confirmed that it will nevertheless send copies of denials to the QDE. The second change is to allow the LOs greater discretionary authority to deny SAW applications. The current Sec.103.1(n)2 states that the district director can only deny in cases where the applicant is statutorily ineligible or admits fraud; the amendment removes this limitation. Third, a new section is added restricting work authorization to SAW applicants who were admitted as non-immigrants and who currently hold certain visas allowing them to work (H and L visas). The INS will not grant these SAW applicants the I-688A temporary work authorization until their current work permits expire. This last issue is the subject of pending litigation in AFW v. INS.

The California Rural Legal Assistance Foundation (CRLAF) is a privately funded nonprofit corporation which relies upon grant subscriptions and donations from individuals to sustain its work on behalf of this state's poor. SAW Newsletter will be sent free of charge to nonprofit organizations providing immigration legalization services in rural California. Subscriptions are available @ \$30/year for individuals and \$50/year for organizations. Contributions to CRLAF are tax deductible under Section 501(c)(3) of the Internal Revenue Code. Make checks payable to CRLAF, 2111 Mission St., Suite 401, San Francisco, CA 94110. 415/863-3520. To save time, your check is your receipt.



# COALITION FOR IMMIGRANT AND REFUGEE RIGHTS AND SERVICES

2111 Mission Street, Room 401 • San Francisco, California 94110 • (415) 626-2360

PRESTAMOS A  ~~NO~~ INTERES AHORA DISPONIBLE PARA APLICANTES DE AMNISTIA

Ahora hay préstamos disponibles para personas que están empleados y que quieren aplicar para la Amnistía pero que no tienen suficiente dinero para las cuotas.

California Community Foundation está patrocinando un programa de préstamos a través del Security Pacific National Bank el cual proveerá préstamos para ser pagados sobre un período de 2 años.

Un adulto solo podrá prestar \$275; un adulto con un niño puede prestar \$425; una familia compuesta de 2 adultos puede prestar \$535.

Aplicantes con un historial de mal crédito no serán elegibles para préstamos.

Para más información o para archivar una aplicación, llame al (415) 474-2415.



**ZERO INTEREST LOANS AVAILABLE TO AMNESTY APPLICANTS**

Interest-free loans are now available to employed people who want to apply for amnesty but do not have enough money for the fees. The California Community Foundation is sponsoring a loan program through Security Pacific National Bank which will provide loans to be re-paid over a 2 year period.

A single adult can borrow \$275; an adult with one child can borrow \$425; a two adult family can borrow \$535. To apply, call Monica Hernandez at 415/474-2415. Applicants with a history of bad credit will not be eligible for loans.

\* \* \*

In our last NEWSLETTER (Vol 1. No. 15) we incorrectly listed the cost of the ILRC appeals manual for private attorneys (i.e. those not taking pro bono cases). The manual can be ordered for \$25.00 by writing: ILRC/536 Mission St., Ste. 269/S.F., CA 94105/Attn: Appeals Manual.

**FARMWORKER DOCUMENTATION SUIT HEARING POSTPONED**

The motion for preliminary injunction in UFW v. INS, (reported in Vol. 1 No. 15 of this NEWSLETTER) was postponed from April 21 until May 5, 9:30 a.m.

**SAW Newsletter**  
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National City, CA 92050



# SAW NEWSLETTER

Vol. 2 No. 2

May 19, 1988

Many items covered in this newsletter are taken from calls received at the California Rural Legal Assistance Foundation (CRLAF) legalization hotline. The hotline is open Monday-Friday, 1 PM to 5 PM and staffed by Michael Muniz, a licensed attorney with considerable immigration experience. The hotline is available free of charge to any nonprofit direct service provider in need of technical assistance on particular legalization questions.



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## COURT ORDERS INS TO ISSUE REGS ON SUBPOENA OF EMPLOYER RECORDS

U.S. District Judge Lawrence Karlton last week ordered INS to adopt regulations which would enable the agency to secure production of employment records for SAW applicants.

The judge's ruling was made from the bench following a hearing on a motion for preliminary injunction in a suit filed by the United Farm Workers and individual plaintiffs eligible for SAW status. (UFW v. INS, see NEWSLETTER, Vol. 1, Nos. 9, 15 for details).

Plaintiffs, represented by California Rural Legal Assistance, NCIR, Inc. and the UFW's legal counsel, asked that INS implement a section of IRCA requiring the Attorney General to promulgate regulations to assist—through subpoena-like procedures—SAW applicants who were trying to obtain past employment records from farm labor contractors and growers. The agency had resisted rulemaking since the passage of IRCA in 1986.

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National Agricultural  
ADMINISTRATIVE  
of the  
Farm and Control

ACT of 1986

California Rural Legal Assistance Foundation

(Cont. from column 1)

In October of last year, the Western Region issued a memo that required applicants to take all possible steps in obtaining records before seeking INS assistance. Only in March of this year—a few days before government attorneys had to explain to the court why there were no regulations-- did Deputy Commissioner Everson issue a memorandum suggesting that the agency's existing subpoena power was applicable to employment records in the legalization

There is no guarantee that the regulation will not be burdensome for applicants, but a demand for records from INS is bound to carry more weight than a request from a former field hand.

The judge has not yet ruled on the correctness of the INS' "corroborative evidence" standard or the completion of I-9s for seasonal workers prior to November 30. For more information, contact Attys. Carlos Holguin, 213/388-8693 or Steve Rosenbaum, 415/864-3405.

## ADJUDICATOR REMOVED FROM SAN FRANCISCO LO

The legalization adjudicator who harassed applicants at the Oakland Legalization Office before its recent closure and was the subject of complaints to the INS District Director and the Office of Professional Responsibility (OPR) has been moved to the Western Regional Processing Facility in Laguna Niguel. (See NEWSLETTER, Vol. 1 No. 14). That transfer was reported in an April 25 letter from William King, the Region's Director of Immigration Reform, to the Chair of the Coalition for Immigrant and Refugee Rights & Services. King did not specify what other "steps have been taken to protect all interested parties" pending OPR review.

(Cont. page 2 column 2)



## BORDER PATROL HAMPERS SAW LEGALIZATION EFFORTS

Robert Moser of Catholic Social Services/San Diego (CSS) reported two incidents to NCIR Legalization Update (Vol.2, No.5) where Border Patrol officers thwarted CSS's efforts to conduct outreach. In one instance, Border Patrol agent together with San Diego police raided a temporary field registration station in Rancho Penasquito where undocumented workers were being interviewed and fingerprinted for their legalization applications. At least three applicants were arrested by the Patrol.

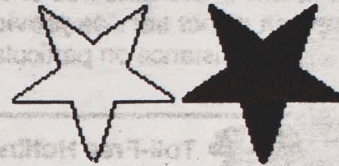
In the second incident, agents waited outside a farm where CSS had arranged to pick-up applicants to take them to another office for processing their applications. After receiving instructions from the CSS office, the driver of the CSS bus approached the Border Patrol, identified himself and explained the purpose of his visit. The agent informed him that the applicants would be arrested unless they had official documentation. The San Diego INS District Director had been previously informed of CSS's intention to conduct legalization outreach at Rancho Penasquito.

The SAW Hotline has received a number of reports of problems encountered by SAWs who have recently entered through the Calexico P.O.E. station with the 90-day "I-94" endorsed for work authorization. Congress intended that SAWs be admitted at the border on a "temporary admission" standard (for the purpose of securing corroborating evidence during the next 3 months) upon the showing of a credible claim of eligibility. It appears that INS had added another step in processing when the alien reaches the INS Niland checkpoint, north of El Centro, on Highway 86. Some of these would-be temporary residents have been detained and interrogated for several hours at the checkpoint. Last month, at least two individuals were coerced into confessing that their I-94s were fraudulent (even though they weren't) and were sentenced to 60 days in jail for illegal entry by the federal magistrate in El Centro.

Reports of similar incidents should be called in to Michael Muniz at the SAW HOTLINE, to Susana Salgado of CRLA/El Centro at 619/353-0220 or Lucy Quacinella of NCIR at 213/487-2531.

(continued from Page 1)

The Coalition had demanded that the official be removed from client contact and that all of his denials and recommended denials be remanded from the RPF to the LO for reconsideration. If you have clients who had negative experiences with this adjudicator, contact Kathy Brady at 415/853-1600 or Steve Rosenbaum at 415/864-3405.



## JUDGE GIVES SWEET DECISION TO CANE WORKERS SEEKING SAW STATUS

The U.S. District Court for the District of Columbia ruled last month that the Secretary of Agriculture acted capriciously in excluding sugar cane from the definition of "other perishable commodities" and acted improperly in limiting the definition of "vegetables" to herbaceous plants (Northwest Forest Workers Assn. v. Lyng). The Judge ordered the Secretary to decide whether sugar cane should be defined as a vegetable or "other perishable commodity". The decision allows sugar cane workers to count such employment for earning SAW status. The court did not order INS to accept SAW applications from sugar cane workers and plaintiffs' attorneys are seeking clarification of INS cooperation on this issue. For more information, contact Atty. Tina Poplawski of the Farmworker Justice Fund at 202/462-8192. In other news of qualifying crops, cotton is definitely "in" since neither the INS nor the U.S. Dept. of Agriculture has appealed the favorable Texas decision for cotton workers. The case filed by SALA (Valdez-Valencia v. Lyng) is still pending. Contact Nadine Wettstein or Kathy Llewelyn at 602/623-9461 immediately if you know of workers expelled from the U.S. because cotton didn't qualify at the time of their expulsion.



## CAN LANDSCAPERS AND GARDENERS QUALIFY AS SAWS?

The number one question on the HOTLINE has been the eligibility of landscapers/gardeners for SAW status. The statute establishes a three-part test: 1) Is the work "field work?" 2) Did the types of activities performed relate to "planting, cultural practices, cultivating, growing and harvesting?" and 3) Were the products fruits, vegetables or perishable commodities?" Many landscapers can satisfy steps 2 and 3. They may plant cherry trees around an office and return once a week to water, fertilize or thin the tree. Clearly, the fruit tree qualifies as a perishable commodity within the definition of "horticultural specialty" under 7 CFR Sec. 1d.6 and the activities fit within the term "cultural practices." However, eligibility in this case will depend upon whether the work was "field work."

Unfortunately, Congress gave little assistance in defining the term "field work." Webster's Collegiate Dictionary defines a field as "an open land area free of woods and buildings or an area of cleared enclosed land used for cultivation or pasture." Thus, work performed upon an areanot in a packinghouse or canneryused for cultivating fruits, vegetables or perishable commodities should qualify as field work. The U.S. Department of Agriculture did not come up with such a simple definition in writing federal regulations. In a circuitous set of definitions, 7 CFR Sec. 1d.4 states that "field work means any employment performed on agricultural lands for the purpose of planting, cultural practices, cultivation, growing, harvesting, drying, processing or packing any fruits, vegetables, or other perishable commodities." In 7 CFR Sec. 1d.2, "agricultural lands" means any land, cave or structure, except packinghouses or canneries, used for the purpose of performing field work. Note that the field work must result in production, as opposed to the maintenance, of fruits, vegetables and perishable commodities.

(Cont. next column)



### SAW Newsletter Staff

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Although it is arguable whether this restriction of field work to land involving production is consistent with the statute, the advocate should attempt to define the activity performed by the applicant in a manner acceptable to INS to avoid the necessity of filing an appeal. This requires the dropping of job titles such as "landscaper" or "gardener", which are clearly unacceptable buzz words. Instead, focus on the activities actually performed by the worker. It is crucial to recall that although a person may perform 10 hours of non-qualifying work, as long as one hour of qualifying work for

wages paid was performed, a "man-day" has been established. If the worker was paid piece rate, then any day in which a piece rate unit was completed counts as a man-day. If, for example, an applicant worked for a landscaping company, the advocate should ask whether the company purchased or grew its own plants, trees, etc. If the applicant worked at least one hour a day cultivating, planting, trimming or fertilizing horticultural specialties being grown for the company, these activities would qualify as nursery work and a man-day would be established. Additionally, if part of the applicant's activities included thinning and picking any fruit or vegetables, the activity would qualify even if the produce were not sold commercially. (See last issue of NEWSLETTER Vol. 2, No.1, on commercial use). Thus, if an applicant worked at least one hour a day tending a garden whose produce was for use by the grower's family, a man-day would be satisfied.

(Cont. page 4 column 1)



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(Cont. from page 3)

If none of the activities clearly relate to producing fruits, vegetables or perishable commodities, eligibility will be more difficult to prove: For example, a person who plants juvenile trees on a golf course. An argument can be made that the purpose of the activity falls within

the statute and that the regulation is inconsistent with IRCA and congressional intent, as noted above. Additionally, you could argue that as the term "produce" is ambiguous, the planting and cultivating of a juvenile tree for the purpose of growing larger falls within the definition.

### HELP NEEDED TO LOCATE POSSIBLE CLASS MEMBERS IN SUIT AGAINST WASHINGTON APPLE COMMISSION

Last summer, the Washington State Apple Advertising Commission launched a

massive

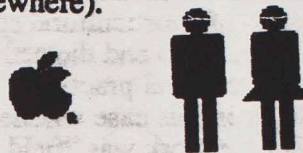
advertising campaign to attract farmworkers to Washington for the apple harvest. The ads, which were aired over Spanish language radio stations in California, stated that 45,000 workers were "urgently needed" for the "biggest apple harvest in the history of Washington." Workers were urged to leave immediately so that they could "earn good money" and receive free help with immigration legalization. In fact, there was a surplus of workers in Washington and thousands of California farmworkers who went to Washington in response to the ads were left stranded. A lawsuit, Buenrostro v. Wash. State Apple Advertising Commission, filed in state court by Evergreen Legal Services, seeks damages and injunctive relief based on negligent misrepresentation and fraud.

If your clients heard radio broadcasts or saw newspaper advertisements announcing jobs in the Washington apple harvest, and went to Washington in September 1987 as a result of hearing the ads or hearing about the ads, they may have a legal claim covered by this lawsuit. To remain a member of the class, they do not have to do anything at this time. If they want to be excluded from the class, they must fill out an "Exclusion Request" and return it to the court at: Chelan County Courthouse, 5th Floor/Wenatchee, Washington/98801, by mail postmarked no later than June 1, 1988.

(Cont. next column)

If they decide to be excluded: (1) they will not get any money that might be paid to the farmworkers as a result of trial or settlement; (2) they will not be bound by any decision in this lawsuit favorable to the defendants; and (3) they may present any claims they have against the defendant by filing their own lawsuit. The request forms are available from the court, a local CRLA office or Evergreen Legal Services.

Any questions or possible evidence should be directed to: Sara Campos, Attorney/Evergreen Legal Services/P.O. Box 430/Granger, WA 98932/1-800-572-9466(WA State only), 509/854-1488(elsewhere).



### INS RELEASES STATS ON LEGALIZATION; RECOMMENDING DENIALS ON 4 OUT OF 5 APPLICANTS

More than 400,000 persons filed for SAW status, according to INS Cumulative Statistics made available on April 18. Another 1.2 million-plus individuals applied for 1/1/82 legalization. INS Commissioner Nelson testified before a House Appropriations Committee that he expects between 400,000 and 600,000 SAW applications by November 30 with a calculated fraud rate of 17%.

The NCIR Legalization Update (Vol. 2, No. 5) reports that as of April 16, the Western Region RPF had issued 19,642 denials. While this accounts for only 2.2% of all Western Region legalization and SAW applications, 60% of these denials went to SAW applicants. In an effort to reduce backlogs, Legalization Wire No. 59 (3/15/88) instructs RPFs to issue final decisions on recommended denials rather than complete an independent review of the applications. You will recall that Wire No. 45 permits LOs to deny clearly fraudulent applications or those with contradictory information. SALA's Legalization Project Newsletter (No. 9) reports that a number of bona fide SAW applicants have been denied at the LO. Call Project Atty. Nadine Wettstein at 602/623-9461 if you have clients affected by this.

(Cont. back page)



THIS COMPLAINT FORM IS ADAPTED FROM THE ONE USED BY THE SAN FRANCISCO DISTRICT ATTORNEY/CONSUMER FRAUD UNIT FOR COMPLAINTS AGAINST IMMIGRATION CONSULTANTS. THE CALIF. BUSINESS & PROFESSIONS CODE GIVES CLIENTS MANY PROTECTIONS AGAINST FRAUD AND MISREPRESENTATION.

Reclamante  
Complainant

Naturaleza de Queja  
Complaint About

Nombre  
Your Name \_\_\_\_\_

Negocio  
Business \_\_\_\_\_

Dirección  
Street \_\_\_\_\_

Dirección  
Street \_\_\_\_\_

Ciudad/Zip  
City/Zip \_\_\_\_\_

Ciudad/Zip  
City/Zip \_\_\_\_\_

Tel. (Res) (Trab)  
Phone (H) (Wk.) \_\_\_\_\_

Tel.  
Phone \_\_\_\_\_

Fecha de Transacción o negocio  
Date of Transaction \_\_\_\_\_

Persona con quien habló  
Person Spoken to \_\_\_\_\_  
Título/Title \_\_\_\_\_

1. Presentó su queja al negocio? Cuándo?  
Did you complain to the business? Who? When? \_\_\_\_\_
2. Se ha comunicado con otra agencia?Cuál?  
Have you contacted any other agency? Which? \_\_\_\_\_
3. Hizo un reclamo legal? (Nombre de abogado)  
Have you filed a Lawsuit? (If yes, give attorney's name) \_\_\_\_\_
4. Firmó un contrato? (adjunte copia)  
Did you sign a contract? (if yes, send copy) \_\_\_\_\_
5. Tiene otros documentos? (cheques, cartas, etc.)  
Did you have other documents? (checks, letters, etc.) \_\_\_\_\_
6. Cuánto dinero desea recobrar?  
How much money do you want to recover? \_\_\_\_\_
7. Qué otros remedios desea?  
What other remedy do you want? \_\_\_\_\_

Explique el acontecimiento en el orden ocurrido. (Escriba a máquina)  
Describe the events in the order they happened. (Print or type)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Los datos en este reclamo son verdaderos y correctos de acuerdo a mi mejor entendimiento. Fecha \_\_\_\_\_ Firma \_\_\_\_\_



Meanwhile, just 5 days after the 1/82 deadline, immigration officials in Stockton and Sacramento were busy denying 80% of the applications they had received (for both programs), according to a May 9 lead story in The (Oakland) Tribune. The reason: fraudulent documents. According to The Trib., employer letters for SAWs are the most popular item, selling for \$300 to \$1000 each.

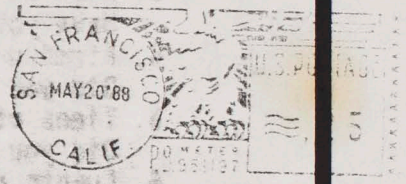
**IMMIGRATION SERVICE  
CLARIFIES EXPUNGEMENT POLICY**

Confusion on the INS criminal record expurgement policy reported in this NEWSLETTER (Vol. 1, No. 13) has been resolved. The INS Central Office finally issued a memorandum last month defining the term "conviction" and stating the effect of an expungement for legalization eligibility. Expungements will eliminate the conviction for non-drug related offenses. Therefore, legalization applicants will neither be excludable under the relevant criminal grounds of exclusion nor be barred by the three misdemeanor/one felony rule due to a conviction which was later expunged.

The memo by Assoc. Commissioner Norton states further that the following post-conviction remedies will be effective in voiding the conviction for legalization purposes: pardons, grants of writs of error coram nobis, offenses committed as a juvenile, convictions prior to October 12, 1984 under the Federal Youth Corrections Act, and convictions prior to November 1, 1987 under federal first offender provisions of the Controlled Substances Act. In contrast, judicial recommendations against deportations will not eliminate a conviction. Deferred adjudication of guilt or deferred prosecution may still be considered a conviction if the state's procedures meet the Board of Immigration Appeal's three-prong test in Matter of Ozkok.

Advocates may want to purchase ILRC's Public Defenders' Handbook on Immigration Law by Katherine Brady. Send \$12 (non-profits and pro bono attorneys) or \$30 (others) to: Immigrant Legal Resource Center at 536 Mission St, Rm. 219/San Francisco, CA/94105.

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