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A Chicano Perspective
on the
ROYBAL IMMIGRATION BILL
SOLUTION? OR A TROJAN HORSE?

Compiled By:



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The Immigration Bills: How They Compare

ENFORCEMENT PROVISIONS

SIMPSON

Strengthens criminal penalties for transporting, harboring and bringing unauthorized aliens into the United States.

Makes a statement showing that it is the sense of Congress to increase resources for border patrol and enforcement.

Permits attorney general to designate state officers to assist in enforcement.

Prohibits warrantless INS entry on farms beyond 25 miles from the border.

No comparable provision.

No comparable provision.

No comparable provision.

MAZZOLI

Similar to Senate for transporting aliens but with less severe penalties. Eliminates the "Texas proviso," which states employment shall not be deemed to constitute harboring.

Similar to Senate regarding increased enforcement being "an essential element" of an immigration control and reform program.

No comparable provision.

Similar to Senate.

No comparable provision.

No comparable provision.

No comparable provision.

ROYBAL

Similar to Mazzoli but does not delete "Texas proviso."

Similar to Senate on two key elements. Calls for increase in border patrol and in INS service activities.

Prohibits state and local law enforcement personnel from stopping suspected illegal aliens except as authorized by the Immigration and Nationality Act. Same as Mazzoli version.

Requires attorney general and secretary of state to initiate discussions with Mexico and Canada to deal with problem of smuggling aliens and to create an anti-smuggling program.

Requires attorney general to take actions, including the training of INS officers, to safeguard the rights, safety and dignity of persons within the jurisdiction of the U.S.

Expands the INS community outreach program to the district level to improve service and investigation of complaints.

GUEST WORKER PROGRAMS

SIMPSON

Creates provisions and procedures for an H-2 or guest worker program.

No comparable provision.

MAZZOLI

Similar to Senate.

States that the president should establish an advisory commission to consult with Mexico on the H-2 program.

ROYBAL

No comparable provision.

No comparable provision.

IMMIGRATION COMMISSION

SIMPSON

No comparable provision.

MAZZOLI

No comparable provision.

ROYBAL

Creates a commission to further study the "push-pull" factors affecting illegal immigration and the incentives for employers to hire illegal workers.

LEGALIZATION

SIMPSON

Grants permanent resident status to aliens who have resided continuously in the United States since Jan. 1, 1977. Grants temporary resident status to aliens who have resided continuously in the U.S. since Jan. 1, 1980. These aliens may adjust to permanent status after three years.

Those granted temporary status will be ineligible for federal assistance programs such as Medicaid or food stamps (except Cuban or Haitian entrants). Those with permanent status will be ineligible for federal benefits for three years. State and local governments are authorized to make such aliens ineligible for their programs.

Defines "resided continuously" for the permanent status requirement. Says an alien must not have been out of the U.S. for any one period of time in excess of 30 days or for an aggregate period of more than 180 days. Specifies proof to show continuous residency. The applicants need documentation of U.S. employment together with independent corroboration, except where inapplicable.

No comparable provision.

No comparable provision.

MAZZOLI

Similar to Senate but provides for a one-tier legalization program with a cutoff date of Jan. 1, 1982 for adjustment to permanent resident status.

Similar to Senate restrictions, but period of ineligibility is five years and certain types of aid, such as assistance to the aged, blind or disabled and emergency assistance, are not denied.

Leaves definition of "continuous residency" and requirement of proof up to attorney general, who will consult with congressional judiciary committees and designated organizations.

No comparable provision.

Protects aliens apprehended before application period from deportation

ROYBAL

Grants permanent resident status to those residing in the United States since Jan. 1, 1982.

Restricts eligibility for federal benefits for those who have not been in the United States for five years.

Similar to Mazzoli but permits affidavits to show continuous residency and directs that special circumstances be considered. Says that absences of 45 days or less annually do not break continuous residency. Also provides waiver of requirement for undue hardship of the alien, his spouse, parent or child.

Protects confidentiality of data provided in any application for legalization. Prohibits disclosure of data without consent of alien, except as needed to carry out the legalization process.

Provides for transitional legal status for applicants. In other words, protects aliens from deportation while waiting decisions on their applications.

ADJUDICATION AND ASYLUM

SIMPSON

Creates separate U.S. Immigration Board with Justice Department to hear appeals on decisions made by administrative law judges (immigration judges). Board members and ALJs will be appointed by the attorney general.

No comparable provision.

No comparable provision.

MAZZOLI

Similar to Senate but the board is made an independent agency. Members are appointed by president and confirmed by Senate. ALJs are appointed by board chairperson.

No comparable provision.

No comparable provision.

ROYBAL

Similar to Mazzoli

Sets out procedures and safeguards for proper exercise of INS authority to conduct detentions, arrests, searches and interrogations.

Requires speedy bail determinations, advisement of rights in a language the person apprehended can understand. Also calls for prompt administrative and judicial determination, after arrest, of the sufficiency of evidence to initiate deportation.



HERMAN BACA
Chairperson

CCR INTERVIEW

A CHICANO PERSPECTIVE

“ I ask you,
can anything
good come out
of a plantation?”

The **Committee On Chicano Rights (CCR)** has been involved in the immigration issue for 15 years. On February 22, 1984 Congressman Edward Roybal (Dem. L.A. Ca.), introduced to the U.S. Congress an alternative immigration bill to the pending Simpson/Mazolli Immigration Bill, at the instance of the House of Representative Speaker, Tip O'Neil (Dem.).

The Bill is being hailed as a constructive and pragmatic solution to the immigration issue. Due to the fact of having, for the first time in U.S. immigration history, a bill sponsored by a Spanish surname and endorsed by "Hispanic" leaders.

The **CCR** made a through study and analysis of the proposed legislation. In April of 1984 the **CCR** voted, as an organization, to oppose the Roybal Bill.

The following interview with Herman Baca, Chairman, deals with the reasons for **CCR's** opposition to the Roybal Bill (David Avalos, Editor).



David Avalos: Where was the Roybal Bill formulated?

Herman Baca: It is ironic that the proposed "Hispanic" solution, to the "slave issue of the 20th Century" which will effect all persons of Mexican ancestry, came out of a Southern Plantation! I ask you, can anything good come out of a plantation?

DA: "Hispanic" leaders have stated that the Roybal Bill is a constructive, pragmatic alternative to the Simpson/Mazzoli Plan and the immigration issue. Why does the **CCR** oppose the bill?

HB: Any bill that legalizes the concept that immigration (i.e. Mexicans) is a law enforcement problem or proposes adding an additional 1600 new Border Patrolmen is not a constructive alternative to the immigration issue...but a sellout. A sellout of the human rights of millions of undocumented workers and the constitutional rights of this nations 20 million Chicanos/Latinos.

What the Bill is really proposing, is that the U.S. Calvary handle the Indian problem, by continuing the policy of militarizing the U.S./Mexico border by increasing the Border Patrol.

DA: How many more Border Patrol agents do they plan on adding?

H.B.: 1600 new Border Patrol agents according to newspaper reports. This will come out of the additional 231 million dollars being proposed by the Roybal Bill on top of the 1984 Immigration and Naturalization budget of 539 million dollars.

D.A.: What's wrong with adding new Border Patrolmen?

H.B.: Let's first understand one thing. In the 134 year history of the Mexican people here in the U.S., there has been two agencies whose only job has been to insure that persons of Mexican ancestry don't get to "uppity" and start to demand the same rights and wages as the Anglo majority.

The first were the Texas Rangers. Since 1924 that job has gone to the U.S. Border Patrol, the only national police force in the U.S. created exclusively for persons of Mexican ancestry.



D.A.: How is it exclusive for Mexicans?

H.B.: Let's look at the facts. In 1983 over 1 million people were apprehended by the Border Patrol. 95% of those people were of Mexican ancestry. Even though the 1980 U.S. Census report states that less than 48% of the undocumented person were of Mexican ancestry.



D.A.: How else?

H.B.: Out of the present 2400 agents, over 1700 of them are stationed in the Southwest United States. Most of them in close proximity to the Chicano communities. The only thing that legislation, like the Roybal Bill, can create is more deaths, beatings, and rapes of men, women, and children, as we have witnessed at the U.S./Mexico border. And even more violations of the constitutional rights in the Chicano/Latino communities.

D.A.: Do you agree with the "Hispanic Leadership" that an effective immigration bill has to enforce the border to keep out Mexican Aliens?

H.B.: No! For any person of Mexican ancestry to agree with this concept is a manifestation of a colonized and sick minds. For example, do you think the Jewish community would keep other Jews from coming into this country or stand for such a police force?

D.A.: What about the Roybal proposal that some of the money will be used to expediate and clear up the backlog?

H.B.: Ha! What the bill say's is that the U.S. Attorney General shall develop a plan setting forth the level of personnel and funding within the INS service for fiscal year 1984. What do you think an Attorney General like Edwin Meese is going to do?

D.A.: Won't labor laws be enforced under the Roybal bill?

H.B.: This is another joke. One only has to witness what has happened, to the air controllers and other unions, to see how the government is enforcing current labor laws. If the government didn't protect the labor laws for air controllers, who were making \$50,000 and, up who is kidding whom that labor laws are going to be enforced for undocumented workers.

D.A.: What's wrong with a law enforcement solution to the immigration issue?

H.B.: Simple, the immigration issue is not a law enforcement problem but rather a economic, social, and political bi-national issue. Law enforcement solutions have become a tool to insure that millions of undocumented workers and this nation's of 20 million Chicano/Latinos will remain in a subservient state.

D.A.: What are your solutions?

H.B.: Let us understand that immigration is not a unilateral problem, but rather a bi-national issue. Both the sender and the receiving nation are going to have to be involved if a solution is to be forthcoming. The U.S. would laugh if Mexico, Guatamala, El Salvador, etc., where to attempt to resolve the immigration issue without talking to Her. This, believe it or not is exactly what the U.S., has been doing with it's Carter Plan, Simpson-Mazzoli and now the Roybal Bill. Whether the U.S. likes it or not one day it will have to take into account what these countries economic and foreign policies have done in creating the million of economic and political refugees.

D.A.: What about solutions here in the U.S.?

H.B.: First I believe that the INS/Border Patrol, as presently structured, must be abolished. Secondly, a Bill of Rights for undocumented workers must be legislated. For instance: Documentation should be given to those undocumented persons and their dependents on the basis of demonstrating a status as a wage earner and taxpayer: Last and not least is the whole question of economic and political power for our people.

D.A.: What about power for the Chicano community?

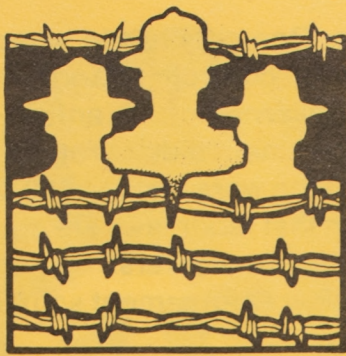
H.B.: What about power? I believe that until the day that this nation's 20 million Chicano/Latinos have the power to effect and change public policy that nothing will change. Let us understand that immigration is not the issue in Washington, D.C....We are, the 20 million Chicano/Latinos of this Nation. In order for things to change we must organize and build the power to define, affect, and change our economic and political condition.

D.A.: Do you believe the Roybal bill will be legislated into law?

H.B.: Let me quote Congressman Roybal in the L.A. Herald Examiner 4/23/84: "Speaker Tip O'Neil has already told me (Roybal) he is not going to give my bill a hearing".

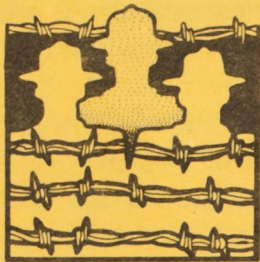
D.A.: Thank-you.

H.B.: I would like to thank-you for allowing me the opportunity to let you know, and the readers, how the Committee on Chicano Right's and our community feel about this Trojan Horse.



"IN THE 131 YEAR HISTORY OF THE CHICANO/MEXICANO PEOPLE IN THE U.S. THERE HAVE BEEN TWO REPRESSIVE AGENCIES WHOSE ONLY JOB HAS BEEN TO INSURE THAT OUR COMMUNITY DOES NOT ORGANIZE AND BEGIN TO ENJOY THE SAME RIGHTS, WAGES, AND WORKING CONDITIONS AS THE ANGLO MAJORITY. ONE OF THEM WAS THE TEXAS RANGERS, THE OTHER SINCE 1924, IS THE U.S. BORDER PATROL".

May 16, 1978	Maria Contreras	Progreso, TX	Pregnant, died in INS interrogation room after being harassed by border officials.
Oct. 22, 1978	Abel Reyes Silva Age: 21	San Ysidro	Shot in the back while on the Mexican side of the border.
Feb. 11, 1979	Margarito Balderas Age: 30	San Ysidro	Shot twice from behind after surrendering



March 17, 1979	Benito Rincon Age: 22	San Ysidro	Shot while handcuffed.
March 17, 1979	Efren Reyes Age: 24	San Ysidro	Shot to death while handcuffed.
March 20, 1979	Alberto Canedo Age: 4	San Ysidro	Died in aunt's arms in INS offices after being denied entrance into U.S.
June 16, 1979	Manolo Alberto Age: 18 months	Tijuana	Died of starvation three days after being denied entrance into U.S.
Nov. 25, 1979	Maria Lopez Felix Age: 19	San Ysidro	Raped and strangled to death by a Federal border official
Dec. 8, 1980	Francisco Sanchez Age: 40	Jacumba	Shot to death by a Border Patrol Agent

EMPLOYMENT PROVISIONS

SIMPSON

Unlawful to hire or recruit for fee an unauthorized alien.

All employers must check I.D. documents and those hiring four or more must attest under penalty of perjury that they have done so.

Creates affirmative defense for employers who have complied in good faith with verification requirements.

Requires that within three years the president make changes necessary to create an I.D. system to determine employment eligibility. If the new system requires a card, it must be tamper proof and subject to congressional review before implementation.

Graduated penalty structure for hiring an unauthorized alien after a one-year phase-in: \$1,000 civil fine for first offense, \$2,000 fine for second offense, \$1,000 fine and/or six month imprisonment for continued pattern of offenses.

Provides for General Accounting Office and Equal Employment Opportunity Commission review of discrimination by employers under this section.

MAZZOLI

Same as Senate but with added language "refer for consideration."

Employers of four or more must check I.D. documents and attest under penalty of perjury that they have done so. Compliance, however, is merely voluntary unless employer has been previously found to have employed unauthorized aliens.

Same as Senate.

Within three years the president must report to Congress on possible need for changes necessary for a secure I.D. system. It does not authorize creation of a national I.D. card.

Similar to Senate with a six-month phase-in period: Citation for first offense, \$1,000 for second offense, \$2,000 for third offense, \$3,000 and/or one year imprisonment for fourth offense or continued pattern of offenses.

Creates task force with heads of Labor Department, Justice Department and EEOC to monitor implementation and investigate discrimination complaints. Civil Rights Commission also to monitor possible discrimination resulting from employer sanctions.

ROYBAL

Amends the Fair Labor Standards Act by establishing a new civil penalty of up to \$10,000 per violation of the Act's recordkeeping requirements.

Provides additional authorizations to the Labor Department and National Labor Relations Board for increased enforcement of the Fair Labor Standards Act, the Occupational Safety and Health Act and the National Labor Relations Act, insofar as violations of these laws involve undocumented workers. The additional authorizations are: \$5 million for fiscal year 1984 (supplemental), \$25 million for FY '85, \$30 million for FY '86.

Directs secretary of labor to establish a program of labor law enforcement that would deter industry from hiring and exploiting unlawful residents.

No comparable provision.

No comparable provision.

No comparable provision. (Roybal's position is that his bill will not create a climate for discrimination. Special provisions, therefore, are unnecessary.)

NUMERICAL LIMITATIONS

SIMPSON

Worldwide immigration ceiling set at 425,000, not including asylees, refugees and legalized aliens. Immediate relatives and special immigrants - numerically unrestricted currently - are deducted from the ceiling.

Revises per-county limit applicable to Mexico and Canada to allow 40,000 visas each, with the numbers unused by either available to the other.

No comparable provision.

No comparable provision.

MAZZOLI

Retains worldwide ceiling of 270,000, which does not include refugees, asylees, immediate relatives of U.S. citizens and special immigrants.

Similar to Senate but does not permit visas unused by one country to be used by another.

No comparable provision.

No comparable provision.

ROYBAL

Same as Mazzoli.

Same as Simpson.

Eliminates English requirements for naturalization applicants over 50 years old.

Reduces to four years residency requirements for naturalization. Eliminates six-month residency requirement in a state.

Bill of Rights for the Undocumented Worker

Article I: Every immigrant worker shall have the right to establish legal residency by demonstrating a status as wage earner and taxpayer.

Article II: Every immigrant worker shall have all of the Constitutional Rights guaranteed all persons in the U.S. This right shall include but not be limited to: the right to due process, and the right to be free in their persons and possessions from unreasonable searches and seizures; and such rights shall not be violated by raids in factories, residential areas and in public places and shall be free from deportations and other unconstitutional practices.

Article III: Every immigrant worker shall have the right to be reunited with his or her family in country where he or she is a wage earner.

Article IV: Every immigrant worker shall have the right to legalize and adjust their status within the U.S. without having to return to their country of origin.

Article V: Every immigrant worker shall fully enjoy all the rights guaranteed to citizen workers including socio-economic and labor rights.

Article VI: Every immigrant worker, particularly seasonal workers, shall be provided adequate housing, health and safety provisions.

Article VII: Every immigrant worker shall be guaranteed the same rights enjoyed by U.S. citizens especially the right of access to free and adequate social and health services, child-care, and other similar social benefits.

Article VIII: Every immigrant person shall have the right to quality public education in his or her native language, utilizing English as a second language and shall not be restricted from fully practicing the culture of his or her country of origin.

Article IX: Every immigrant worker shall have the right to receive disability insurance (partial or permanent), workers compensation, retirement and death benefits. In the event of a death, the cost of transporting the deceased to his or her country of origin shall be borne by the employer, and any corresponding benefits shall be delivered to the family of the deceased without regard to their place of residency.

Article X: Every immigrant worker shall have a right to organize and to collective bargaining, including the right to join existing unions or form new ones, for the defense of their labor rights and for the improvement of their wages and living and working conditions.

A) The right to collective bargaining shall include agricultural and public service workers in order to protect their right to organize.

Article XI: Every immigrant worker shall have the right to utilize his native language in all legal proceedings, (i.e., to acquire citizenship, in judicial proceedings, etc.) and in all private or public contract agreements.

Article XII: Every immigrant worker shall have the right to exercise their right to vote in their native country's federal elections. This right should be facilitated through consulates and all other places (unions, schools, etc.) designated by competent authorities.

Article XIII: Every immigrant worker shall have the right to vote in local and state elections from the moment of legalizing their immigration status without having to become citizens. The right is based on their status as taxpayers, workers and residents.



International Coordinating Committee

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