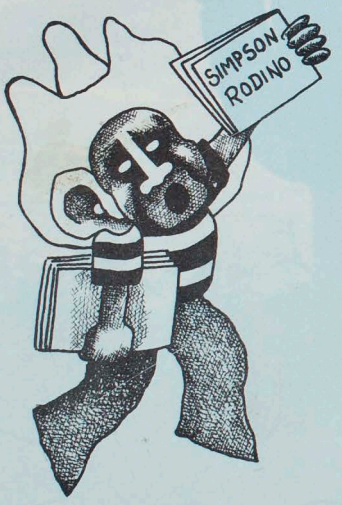
GUIA PARA EL INDOCUMENTADO

LA LEY
SIMPSON - RODINO



COOPERATIVA
SIN FRONTERAS

INDICE

PRESENTACION

La Ley Simpsón -Rodino, mejor conocida como la Ley de Amnistía, nos ha provocado dudas,temor y preocupación, ¿cuántos indocumentados serán beneficiados con esta ley? ¿Cuántas tragedias provocará?

Amnistía significa perdón, pero, ¿qué es lo que nos están perdonando?. Que trabajamos en el campo en medio de pesticidas y en los climas más extremosos, todo para que los norteamericanos tengan en sus mesas alimentos de buena calidad.

¿Qué laboramos con salarios miserables en hoteles, campos de golf, restaurantes, lavanderías y en toda clase de servicios? ¿Se nos está perdonando que nos afanamos honradamente para vivir un poco mejor?

Quien desee conocer la verdadera historia de la "migra" y los indocumentados, la gran explotación que sufrimos, comprobará que nuestra lucha es pocas veces organizada y combativa; otras, retrocediendo la lucha por defender nuestros justos derechos. La sociedad norteamericana no reconoce nuestras jornadas sudorosas; muchas veces sin techo ni aseo; ni la alimentación necesaria: perseguidos, encarcelados: despojados de los pocos dineros que ganamos, engañados y burlados; discriminados por el color de la piel y nuestra ignorancia en suma.

Se nos niega el derecho a sindicalizarnos por no tener documentos, por eso se nos llama indocumentados o ilegales. Se nos acusa también de que les quitamos el trabajo a los ciudadanos norteamericanos y a los que muestran orgullosos su "mica verde"

Días difíciles nos vienen, nos van a pagar mucho menos, a pesar de nuestra docilidad y eficiencia. Somos parte de las actividades productivas y por lo mismo los derechos nos deben ser reconocidos.

Somos , pues, la cara de la miseria, aprisionados por la

nueva esclavitud, por el alambrado de púas que separa México de los Estados Unidos, que anhelamos atravesar varias veces si esto es posible--así como el río Bravo--para ser superexplotados por el contratista, el enganchador, el coyote, el patero y el pollero; y luego para que nuestra mano de obra para que la envilezcan más los medianos y grandes capitalistas agrarios. Somos los modernos esclavos, pues, comprados en 500 o mil dólares que nos descontarán del salario que recibiremos, más devaluado todavía por los gastos sin fin que nos exigen para poder entrar al gran país. Somos los ejércitos invasores hambrientos de alimentos y de esperanzas desconocidas, escondiéndonos de las "border patrol" y los helicópteros del Servicio de Inmigración y Naturalización,--expulsados a un país extraño, por la demagogia y el desempleo, la crisis económica y el fracaso agrario y agrícola de México--mientras otros mexicanos apuestan cientos de miles de dólares a la ruleta, a los naipes y a los dados, en los casinos elegantes y sus familias compran en las tiendas caras y nosotros del "vive de milagro como la lotería" porque carecemos de pan y seguridad social, no tenemos ni para comprar un "hot dog" o una hamburguesa y vagamos buscando un refugio para dormir, en medio de las luces de Texas, Arizona, y California.

Para no continuar con este rosario de quejas, mejor pensemos luchar mejor por los derechos humanos que nos arrebatan, y aquí nos despedimos, con la idea de que este folleto pueda ser de utilidad para los que viven o esperan seguir viviendo otra temporada en el país vecino.

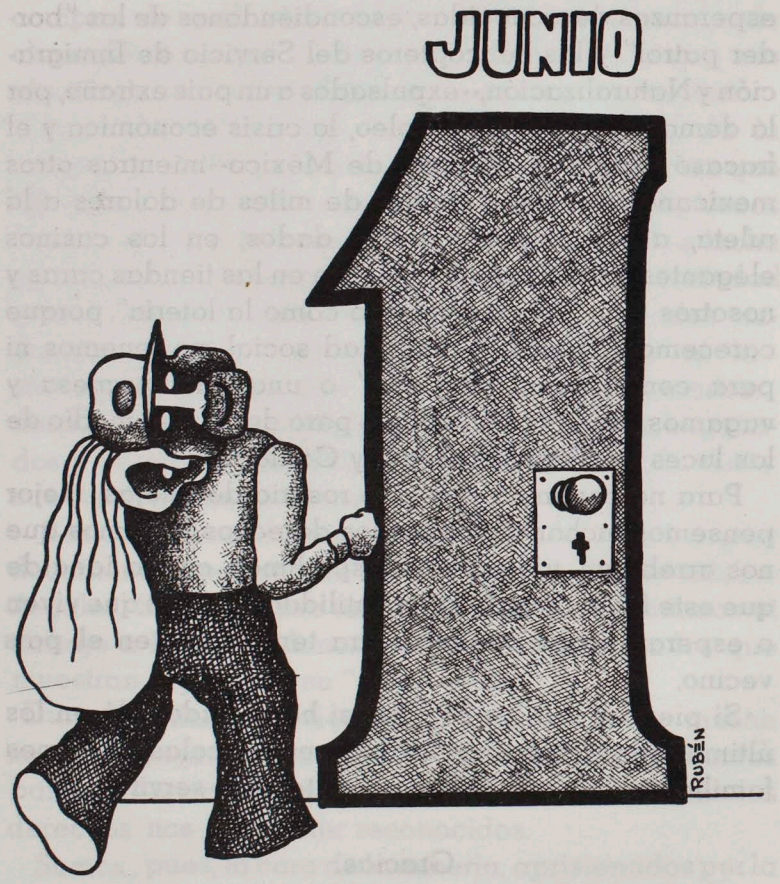
Si piensas ir a los EE.UU., si has estado allá en los últimos tres años realizando labores agrícolas, o si tienes familiares allá esta información te va a servir.

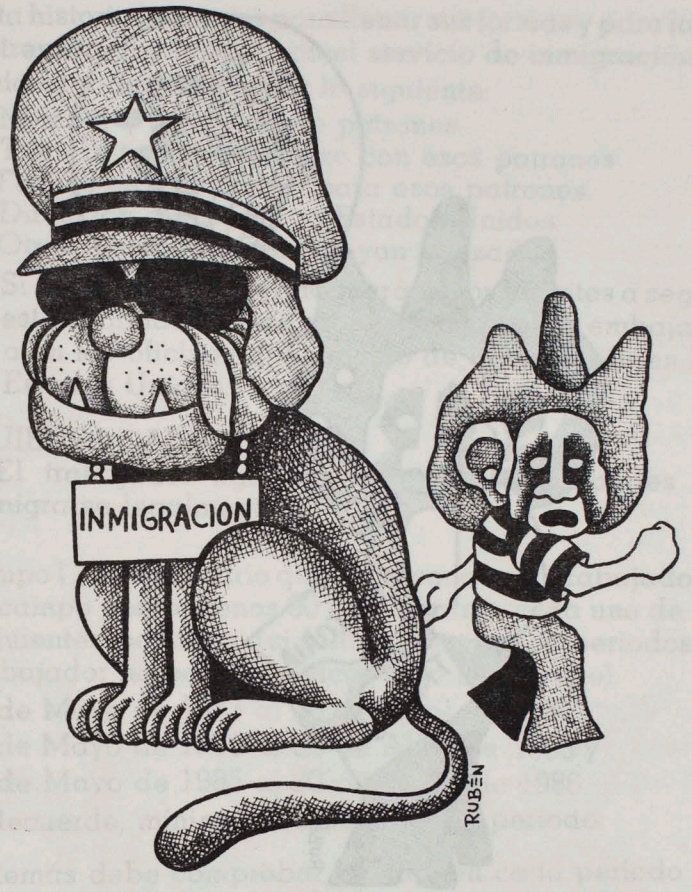
Gracias.

TRABAJADORES AGRICOLAS ESPECIALES (SAW's)

El proceso de legalización de los trabajadores agrícolas especiales, conocidos como "saw's", se inicia el 1° de Junio de 1987 y concluye el 30 de Noviembre de 1988.

Quienes crean que van a poder calificar bajo dicha provisión de la Ley de Reforma y Control de Inmigración (la mentada Simpson-Rodino), deben seguir las siguientes recomendaciones:





1.- No presentarse ante el servicio de inmigración o cualquier otra autoridad norteamericana, hasta no estar plenamente seguro a que se va y que es lo que se necesita.

2.- Hay que tener cuidado al contratar a alguien para que le oriente o ayude a someter su solicitud, la mayoría de quienes ofrecen sus servicios sólo les interesa hacer negocio de su situación.
Busque la asesoría de las uniones u organizaciones de campesinos (ver directorio al final).

3.- No gaste dinero para obtener documentos hasta que no se le diga lo que va a necesitar y amenos que sea absolutamente necesario.
(Algunos patrones estan pidiendo dinero para dar cartas de trabajo).

4.- Elaborar por escrito una historia de trabajo y residencia en los Estados Unidos.

Desde el 1° de Mayo de 1983
hasta el 1° de Mayo de 1985.
o bien desde el 1° de Mayo de 1985
al 1° de Mayo de 1986.

Esta historia le servirá para llenar sus formas y para la entrevista que tendrá con el servicio de inmigración (migra) y debe contener lo siguiente:

a) Nombre y dirección de patrones.
b) Tipo de trabajo que hizo con esos patrones.
c) Fechas en que laboro para esos patrones.
d) Dirección que tenía en Estados Unidos.
e) Otros nombres que se hayan utilizado.

5.- Si Ud. califica, se le informará de los trámites a seguir esta información será proporcionada en la embajada o en las oficinas del servicio de inmigración en los Estados Unidos.

QUIENES CALIFICAN:

El trabajador agrícola tiene 2 oportunidades de inmigrarse legalmente.

Grupo I.- Es necesario que la persona haya trabajado en el campo por lo menos 90 días durante cada uno de los siguientes períodos, (si faltara uno de los períodos el trabajador no podrá calificar bajo este grupo).

1° de Mayo de 1983 al 30 de Abril de 1984
1° de Mayo de 1984 al 30 de Abril de 1985 y
1° de Mayo de 1985 al 30 de Mayo de 1986

* Recuerde, mínimo 90 días en cada período.

Además debe comprobar 90 días en cada período de haber vivido en Estados Unidos (no importa que no sean seguidos y cada día de trabajo es un día de residencia). Si Ud. cree que califica en este grupo debe hacer una solicitud a partir del 1° de Junio de 1987 y tendrá aproximadamente hasta Diciembre de 1988 para aplicar, cuando su solicitud sea aprobada y aceptada recibirá residencia legal temporal por un año y después de este tiempo podrá hacer una nueva aplicación para tener residencia permanente.

Grupo II.- Es necesario haber trabajado por lo menos 90 días en el campo en el siguiente período:

1° de Mayo de 1985 al 30 de Abril de 1986

Además debe comprobar 3 meses de haber vivido en E.U.; cada día de trabajo es un día de residencia. Si Ud. cree que califica en este grupo puede someter su solicitud desde el 1° de Junio de 1987 y si su solicitud es aceptada recibira residencia temporal por 2 años y después de ese tiempo podrá recibir residencia legal permanente.

La ley considera Trabajadores Agrícolas Especiales, a quienes trabajaron en todas las actividades relacionadas a los cultivos siguientes y que por lo tanto **si califican**

1) Frutas
2) Vegetales
3) Arboles:
   - arbustos
   - arbolitos
   - árboles de Navidad
   - planta de semillero
   - planta de botones
   - injertos

   - planta escasa
   - árboles frutales y nueces

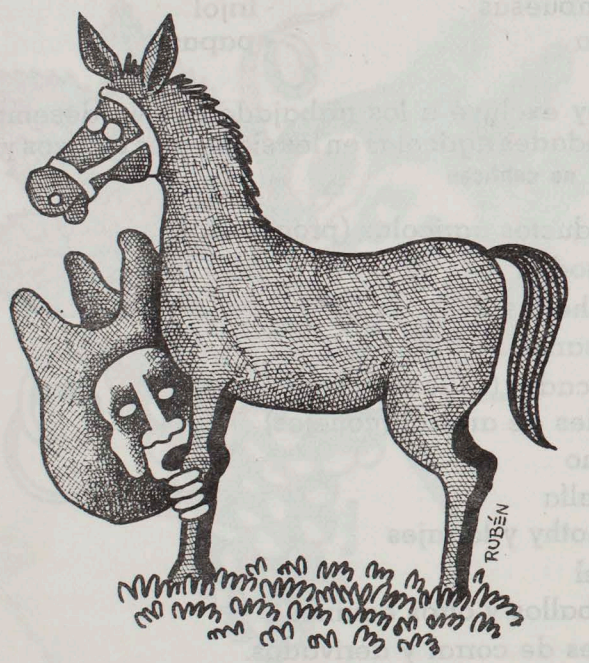
4) Viñedos
5) Sedimentos
6) Plantas:

- plantas frutales
- plantas de maceta
- flores cortadas
- bienales
- flores
- lúpulo
- especies
- tabaco
- cebada
- trigo
- maíz
- cerezas
- frambuesas
- soya
- plantas frutales pequeñas
- flores anuales
- perennes
- bulbos, yemas y tallos
- hiervas
- rábanos
- remolacha
- avena
- centeno
- arroz
- baya
- fresas
- frijol
- papas.

La ley excluye a los trabajadores que desempeñaron actividades agrícolas en los siguientes cultivos y que por tanto **no califican**

- Productos agrícolas (procesados)
- Algodón
- Lecherías
- Gusanos
- Pescados (ostiones y mariscos)
- Pieles de animal (conejos)
- Heno
- Alfalfa
- Timothy y forrajes
- Miel
- Caballos y otros equinos -
- Aves de corral y derivados.

- Ganado de todo tipo
- Caña de azúcar
- Arboles (que no se incluyan en la otra lista)
- Lana
- Linaza
- Calabazas de decoración
- Semillas

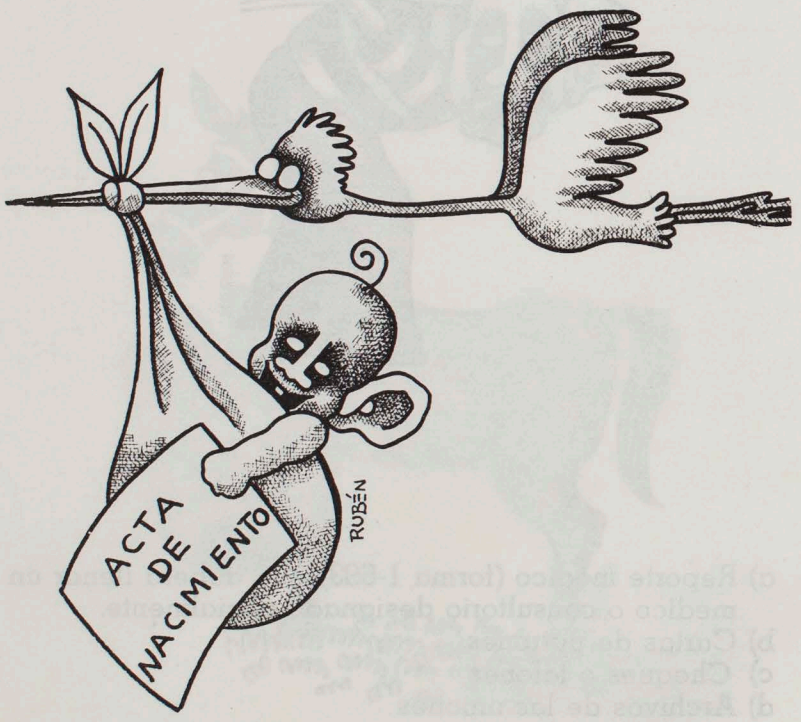


DOCUMENTOS PARA ESTABLECER DERECHO A LA ADMISION

a) Reporte médico (forma 1-693) que deberá llenar un médico o consultorio designado oficialmente.
b) Cartas de patrones
c) Cheques o talones
d) Archivos de las uniones

DOCUMENTOS PARA ESTABLECER IDENTIDAD
(Cualquiera de los siguientes)

- Pasaporte
- Acta de nacimiento
- Tarjeta nacional de identificacion.
- Licencia de manejo.
- Identificación escolar
- Identificación del estado.



DOCUMENTOS PARA ESTABLECER PRUEBA DE EMPLEO

- Records oficiales de trabajo
- Records de empleo de patrones, mayordomos, contratistas, uniones.
- Declaraciones juramentadas de personas que conocen la historia del empleo del aplicante.
- Otra documentación confiable tales como recibos de pago, talones de cheque, identificación del empleo.
- Cartas de patrones.

La documentación proporcionada por el Trabajador Agrícola Especial estará sujeta a verificación con el patrón o empleador.)

DOCUMENTOS PARA ESTABLECER RESIDENCIA

- Records de Empleo
- Contratos de renta o recibos.
- Certificados de Nacimiento de hijos nacidos en Estados Unidos.
- Records de iglesias.
- Récords médicos.

"LOS 7 PASOS DEL NUEVO PROCEDIMIENTO DE LEGALIZACION"

Debido a que las cosechas en Estados Unidos comenzaron a perderse por falta de mano de obra de los trabajadores mexicanos.

El gobierno de los Estados Unidos a una petición de los agricultores modificó el proceso de legalización, así:

A partir del 1° de Julio de 1987, todos aquellos trabajadores que quieran legalizar su situación deberán hacer lo siguiente:

1° Presentar su pasaporte (en caso de no ser posible por falta de cartilla, una identificación con fotografía expedida y firmada por una autoridad municipal).

2° Pagar una cuota de 185 dólares.

3° Llenar la forma (1700), indicando los lugares, en que se trabajó, el nombre de los patrones y compañías para quien trabajó, los períodos en que trabajó, el tipo de trabajo (relacionado con las cosechas que califican)

4° Entregar estos documentos en los siguientes lugares:
- Embajada de los EE.UU. en la ciudad de México, Paseo de la reforma No. 305.

Consulados de los EE.UU. en Hermosillo, Guadalajara, o Monterrey.

5° Someterse a una entrevista en la embajada o consulado, en la que bajo juramento manifiesta el solicitante que es verdad la información que dió en la forma (1700).

Después de la entrevista someterse a un examen médico en la ciudad de México en:
CLINICA VOLGA
Calle Río Volga N° 1 - 3er. Piso
México 5 D.F.
Dr. Roberto Assael P.

Dr. Daniel Espinoza
Río Nilo 90 - 7° Piso
México 5 - D.F.

En los consulados de Guadalajara, Hermosillo o Monterrey, hay que solicitar información adonde se hará el examen médico y este tiene un costo de 33 dólares o su equivalente en moneda nacional.

6° Si a juicio del personal que lo entrevista el solicitante califica, recibirá una contraseña para que en el término de 120 días pueda presentarla en la frontera (cualquiera) y le dejen entrar a los Estados Unidos.

7° A partir del día que ingrese a los EE.UU. podrá trabajar pero tendrá 3 meses para hacer su solicitud de

legalización temporal que se señala en la primera parte de esta guía, ante las autoridades migratorias en EE.UU.

Además los siguientes:
1.- 2 fotografías recientes (1 mes).
2.- Una forma con huellas digitales.
3.- Una entrevista con personal del servicio de inmigración o cónsul.
4.- Todos los documentos deberán ser presentados en su original y una copia.

Para mayor información puede acudir o llamar a los siguientes lugares:

EN LA REPUBLICA MEXICANA:

COOPERATIVA SIN FRONTERAS
CALLE PINO SUAREZ No. 400
COL. NIÑOS HEROES
TELEFONO 6-32-38
QUERETARO, QRO.

MOTOLINIA No. 22 - 308
TELEFONO 5-10- 34-33
MEXICO, D. F.

UNION DE TRABAJADORES
AGRICOLAS FRONTERIZOS
CALLE ECUADOR No. 526 SUR
TELEFONO 14-03-89
CD. JUAREZ CHIHUAHUA

EN LOS ESTADOS UNIDOS:

UNION DE TRABAJADORES AGRICOLAS
DE ARIZONA (A F W)
P.O. BOX 819, EL MIRAGE ARIZONA
TELEFONO (602) 977-12-19

UNION GENERAL
DE TRABAJADORES AGRICOLAS
HC37 BOX. 8101, GUANICA
PR 00653 - 97 11

UNION DE INQUILINOS DE TULARE (T.C.T.U.)
111 Nw THIRD VISALIA
CALIFORNIA 93291
TEL: (209) 733-48-44

AYUDA CAMPESINA (FWS)
P.O. BOX 562 FT MEADE
FLORIDA
TEL.: (944) 567 - 1437
SANTUARIO
709 LOCK STRET
DADE CITY. FLORIDA
33525
TEL.: (904) 567-1432

UNION INDEPENDIENTE DE TRABAJADORES (IUAW)
AGRICOLAS
P.O. BOX 5519
SALINAS, CA. 93905
(408) 758-1066

PROYECTO DE INMIGRACION UTAH.
537 SUR CENTRAL NUENVE
APOPK, FLORIDA 32703
TEL.: (305-886-51-51)

UNION DE TRABAJADORES AGRICOLAS
FRONTERIZOS
20034 E. 7 TH. ST.
El. PASO TEXAS 79-901
(915) 532-09-21

UNIDAD MIXTECA
828 N VANESA
CALIFORNIA, 93728 TEL. (209) 486-51-77

COALICION RURAL
2001 S. STREET.
WASHINGTON, D.C.
20009

CAMPESINOS INDEPENDIENTES
DE YUMA (CIYUMA)
P.O. BOX 444
SOMERTOW, ARIZONA.
602-782-2225

COMITE DE APOYO A LOS TRABAJADORES
AGRICOLAS (CATA)
32 E HIGH ST.
GLASSBORO, N. NUEVA JERSEY
(609-881-2507)

FARMS LABOR ORGANICI COMITE (FLOC)
1040 BRENDA LANE
ARBUNDALE, FLORIDA. 33823

UNION INTERNACIONAL INDEPENDIENTE
DE TRABAJADORES AGRICOLAS. IVAIW
P.O. BOX 1458
HIDALGO, TEXAS 78577

UNION DE TRABAJADORES DEL EMPAQUE
DE COCHELLA, CALIFORNIA
P.O. BOX 66
CUCHILLA, CALIFORNIA 92-236
TEL.: (619) 398-51-83

IMPRESIONES

PINO SUAREZ No. 400
COL. NIÑOS HEROES C.P. 76010
TELEFONO 6-32-38
QUERETARO, QRO.

COLLUSION WITH
BORDER PATROL
J. W WEBBER
J. MILLER
BADGE # 46
27

MILLER
ILLEGAL SEARCH & SEIZURE
NO PROBABLY CAUSE

NO SOMOS UN NEGOCIO NI UN BUFETE COMERCIAL SINO UNA INSTITUCION SIN LUCRO QUE OBRA POR MEDIO DE LAS CUOTAS QUE APORTAN LOS MIEMBROS.

La HMN se formo como respuesta natural a la discriminacion y los mil obstaculos que hay en esta sociedad a nuestra integracion como seres humanos. Las actividades son sociales, es decir que en conjunto buscamos la mas completa integracion social, economica y politica de todo inmigrante dentro de la vida de esta sociedad y de este pais, obrando siempre dentro de los derechos natos otorgados a cada persona que se encuentra dentro de los Estados Unidos de Norteamerica por la constitucion de nuestro pais. Los propositos de la HMN son de:

1. Defender y abogar por los intereses de todos los trabajadores mexicanos, latinos y de otras nacionalidades, razas, religiones y creencias sin importar su estado de inmigracion.

2. Luchar por la unificacion dentro de sindicatos (Uniones) de los trabajadores y ya estando adentro para que esos sindicatos sean verdaderos defensores democraticos de todos los trabajadores y especialmente de los que son inmigrantes sin documentos

3. Luchar por el reconocimiento de las grandes y valiosas aportaciones de los trabajadores inmigrantes y sus familiares a este paisy para que se les otorgue UNA CARTA DE DERECHOS, NO DEPORTACIONES, VISAS Y UNIFICACION DE SUS FAMILIAS.

CONOZCAN SUS DERECHOS!

Cada persona con o sin documentos tiene derechos. Por eso, si los agentes de inmigracion tratan de interrogarle en la fabrica o lo agarran en otras redadas, recuerde sus derechos.

1. Tiene derecho de NEGARSE A CONTESTAR PREGUNTAS con la excepcion de dar su nombre. No diga nada sobre su lugar de nacimiento y manera de entrar a este pais o si tiene documentos hasta que pueda consultar con su abogado o representante. Cualquier informacion que se les de sera usada para deportarlo.

2. EXIJA HABLAR CON SU ABOGADO O REPRESENTANTE. EXIJA SU DERECHO A UNA LLAMADA TELEFONICA. Si no tiene un abogado o representante, exija una lista de abogados de inmigracion gratuitos y llamelos.

3. NO FIRMA NADA, especialmente la salida voluntaria antes de consultar con su abogado o representante.

4. Tiene usted el derecho de SALIR LIBRE BAJO FIANZA O BAJO SU PALABRA. Si no puede pagar la fianza, exija una audiencia para pedir que le rebajen la fianza. Consulte con su abogado inmediatamente. No hable con el agente de inmigracion sobre esto.

5. Tiene usted el derecho a UNA AUDIENCIA ANTE UN JUEZ en la corte de inmigracion .
Haga la demanda y consulte con su abogado o representante. No hable con el agente de inmigracion.

RECUERDE: Sus vecinos y familiares tienen los mismos derechos. NO ENTREGUE SUS DERECHOS. DEFIENDASE CON SUS DERECHOS LEGALES!.

CENTRO LEGAL DE HERMANDAD MEXICANA NACIONAL

Oficina de Orange:
119 West 5th Street
Santa Ana, CA 92701
(714) 541 - 0250

•

8601 Lankershim Blvd.
Sun Valley, CA 91352
(818) 768 - 1171

(Centro no-lucrativo de servicio, defensa y abogacia legal de bajo costo para el beneficio al trabajador).

QUE ES EL CENTRO LEGAL?

Es un Centro no-lucrativo de servicio, defensa y abogacia legal de muy bajo costo para el beneficio al trabajador.

El Centro legal se fundo en 1985 por la organizacion Hermandad Mexicana Nacional con el proposito de defender los derechos de los trabajadores en casi toda rama de la ley.

Sirve ademas para orientar y educar a los trabajadores sobre sus derechos legales y como se pueden defender en el trabajo como consumidor, pagador de impuestos y en su vecindad.

Abarca tambien algunos problemas civiles personales y familiares.

Cada dia uno es victima de abusos y fraudes, particularmente en su empleo y en cuestiones de inmigracion. El Centro Legal apoya legalmente a los grupos de trabajadores que se organizan para defenderse contra tales abusos y fraudes y para lograr mejorias en su situacion social.

La Junta de Directores del Centro Legal esta compuesta por profesionales, abogados y trabajadores. No permite ningun lucro personal. Todos los fondos que recibe el Centro son para asegurar el mejor servicio legal posible por bajos costos a todos sus afiliados.

No espere hasta que el problema este encima. Este prevenido, afiliase a Hermandad Mexicana Nacional hoy!.

QUE CLASE DE CASOS TRABAJA EL CENTRO LEGAL DE HMN?

INMIGRACION:

- Defensa contra deportacion
- audencias de fianza (rebajar)
- suspension de deportacion
- defensa a los Portadores de la Carta Silva
- peticiones de asilo politico
- peticiones de asilo de refugiado
- apelaciones de fallos desfavorables
- amparos contra deportacion
- residencia permanente legal
- carta de trabajo

CIUDADANIA:

- peticion de la ciudadania
- estudio especial para el examen

RECLAMOS POR:

- problema de impuestos
- seguro de desempleo
- sosten de hijos
- seguro social
- despidos injustos de trabajo
- sueldo no pagado
- despidos por actividad sindical
- accidentes de coche (choque)
- accidentes en el trabajo (industriales)
- demandas menores
- fraude de consumidor (aseguranzas y otros)
- fraude de notarios o abogados
- fraude de inmigracion
- malatencion de doctores

DIVORCIOS Y SEPARACIONES

CASOS JUVENILES

COMPRAS DE CASA O PROPIEDAD:

- contratos y prestamos
- refinanciamientos de hipoteca

DEFENSA CONTRA DESALOJOS DE CASA O APARTAMENTOS

- demandas contra dueños

ULTIMO TESTAMENTO

DEFENSA CONTRA RECLAMOS POR ENDEUDAMIENTO

QUE ES LA HERMANDAD MEXICANA NACIONAL?

La Hermandad Mexicana Nacional (HMN) es una organizacion compuesta de miembros cuyas familias son inmigrantes de habla hispana en su mayoria. La HMN es una asociacion voluntaria de ayuda mutua basada en la larga tradicion de tales sociedades de ayuda mutua y benefica de nuestros pueblos. La HMN recibe miembros de todas las nacionalidades de habla hispana para que con sus recursos colectivos puedan ayudarse mutuamente a resolver los problemas sociales, economicos y culturales que les resultan en este pais como inmigrantes.

REAGAN-BUSH'84
The President's Authorized Campaign Committee

1) TERRORISM RACIAL
2)

1. ADMISIÓN FRANCA DEL CONGRESO QUE LA MANO DE OBRA DEL TRABAJADOR MEXICANO ES UNA PARTE INTEGRANTE DE LA SOCIEDAD AMERICANA, Y QUE ÉSTA SOCIEDAD NO PUEDE EXISTIR SIN ELLA.

2. UNA AFRENTA AL VALOR MÁS FUNDAMENTAL PARA LA SOCIEDAD AMERICANA — LA DEMOCRACIA.

3. CON LA APROBACIÓN DEL PROYECTO SIMPSON/RODINO, IMPORTACIÓN DE TRABAJADORES POR EL CONGRESO AMERICANO, LOS ESTADOS UNIDOS UNA VEZ MÁS HA LEGALIZADO LA ESCLAVITUD.

4. CON LA LEGALIZACIÓN DE ESTE PROGRAMA ESCLAVO/BRACERO, LA USA ESTA MANIFASTANDO AL MUNDO ENTERO QUE NO ES DIFERENTE Y EN REALIDAD ES PEOR QUE SUD AFRICA.

4. ÉSTA LEGISLACIÓN QUE LEGALIZA IMPORTACIÓN DE BRACEROS del EXTRANJERO, BAJO EL CONCEPTO de "CONTRIBOCIÓN SIN REPRESENTACIÓN" Y LAS PROPUESTAS ~~DRACONIANAS~~ de

5. LA LEGISLACIÓN SIMPSON/RODINO SEÑALA EL PRINCIPIO DE UN SISTEMA TIPO "APARTHEID" SUD AFRICANO, PARA LOS 20 MILLONES DE CHICANOS/LATINOS de LA USA.

6. LA LEGISLACIÓN NO VA A SUPRIMIR, NI REDUCIR EL FLUJO DEL TRABAJADOR INDOCUMENTADO A LOS ESTADOS UNIDOS

7. EL RESULTADO FINAL de LA LEGISLACIÓN ES QUE CONDENARÁ AL TRABAJADOR AMERICANO A SALARIOS BAJOS, EMPEORARÁ LA SITUACIÓN Y ESTADO DE SU EMPLEO Y LA DESTRUCCIÓN DEL SINDICATO Y LA NEGOCIACIÓN COLLECTIVA.

SEE OVER

8. Y FINALMENTE, el PARTIDO DEMÓCRATA QUE MANIOBRÓ EL "MUNICH", PUÑALADA EN LA ESPALDA A LOS DERECHOS E INTERÉS. de 20 MILLONES de CHICANOS/LATINOS de ESTA NACION, SERÁ HECHÓ RESPONSABLE.

2 REASON - POP. ECONOMIC
NO ONE KNOWS

(1) NO FIRME LA SALIDA VOLUNTARIA

(2) QUE NO SE PRESENTE A SIN

(3) QUE NO LE PAGA NINGUN CERTAO O ABADO, NOTARIO PUBLICO, O COYOTES

* NO HAY AMISTIA
(1) PROVE THAT I WASN'T HERE
(2) COMPROBER - CONT ECS.
(3) FORGET WHO WILL DETER. THE INS
TAXATION WITH REP.
FAMILY
DRAFT
NO HAY DINERO
* SANCTION AGAINST ALL EMPLOY OF M/A

SANCTION
11 STATE
#250,00

* H-2 - ROB
* ENFORCEMENT
CANADA
*

I. GOOD MORNING - UNDERSTAND

II HISTORICAL INSULT

III NOT IMMIG. - LABAR LEG

IV. IF IT WAS IMMIG.
QUOTA, VISA,

Ex-chief recalls bracero 'slavery'

By GEORGE KUEMPEL and HOWARD SWINDLE April 30, 1980

AUSTIN — Even at 72, a retired and comfortable Lee G. Williams is haunted by the memories of the bracero program he once ran, a program he says was nothing short of "legalized slavery."

Bracero.

Even the word rankles Williams. And his strong, resonant voice takes on an unexpected bitter tone as he recalls the plight of the 4 million hungry Mexicans who began flooding into the United States in 1942.

Bracero means the "strong-armed ones" in Spanish.

The thought of renewing the program, or revamping it, angers and frightens Williams, who as a U.S. Labor Department executive oversaw the day-to-day operation of the program from 1959 until its demise in 1964. Before that, he served for 20 years as general counsel and director of the Texas Employment Commission.

"I pray they don't reinstate this type program," he said.

"The bracero program was nothing but a way for big corporate farms to get a cheap labor supply from Mexico under government sponsorship," he said.

"It was purely a money-grabbing scheme by the corporate farms and the sugar interests. . . . The whole thing was supposed to be humanistic, but it was far short of what it should have been."

While he admitted the words "legalized slavery" are strong, Williams insisted they are accurate.

"They were so fearful of being away from home and not being able to send money to their families that they felt pretty much in bondage," he said.

A pledge by Gov. Bill Clements shortly after he took office in January 1979 to reinstate "a bracero-type program" to deal with the many job-seeking illegal Mexican and other foreign workers in the United States has touched off a new round of debate on the program.

Several Texas congressmen, including Rep. Jim Collins, R-Dallas, and House Majority Leader Jim Wright of Fort Worth, have advocated a return to a similar program.

Bracero.

It was a word Clements was to regret using because it aroused strong emotions among Mexican-Americans and labor and civil rights groups.

Clements now goes to great lengths to avoid the term in discussing his proposals for solving the alien problem.

The governor's plan eliminates the provision in the bracero program that forces laborers to work for a particular employer. Clements proposes the Mexican workers be mobile. If they are mistreated, they simply can quit and try to find other jobs.

Under the bracero program, Mexican workers, unable to find jobs in their own country, were allowed to enter the United States to replace the farmers who had traded their plows for rifles. In return, the Mexicans — most of them illiterate — were to receive a fair wage, decent housing, nutritious food and the protections of the law afforded American citizens.

But it didn't work out that way, Williams recalled last week.

"The braceros were hauled around like cattle in Mexico and treated like prisoners in the United States," he said.

Despite efforts by the U.S. Department of Labor, the big corporate farmers managed to keep bracero wages "unconscionably low," Williams said. And housing and diet requirements were circumvented with acquiescence of the state agencies responsible for enforcing them.

"The employment service here was notoriously in league with the farmers," he said.

After World War II, a lot of returning GIs abandoned the farms to seek their fortunes in the cities. And the big planters, anxious to retain the ready supply of cheap, willing workers from Mexico, managed to keep the program going until 1964.

In addition to subjecting the Mexican laborers to abuse, the program hurt American workers by depressing wages along the border, Williams said.

"I personally did a wage survey beginning in California at the border to Brownsville," he said, "and I found that wages, not only of agricultural workers but of carpenters, butchers and others, were affected adversely within 200 miles of the Mexican border."

And he said the program resulted in exploitation of the Mexican worker on both sides of the border.

For the Mexican worker to get into the program, he had to pay off officials in his own country, Williams said.

"They (the officials) demanded mordida — you know, 'the bite.' " he said. "It was a chain of officials, and the bracero didn't get on that list to the U.S. unless he paid in advance."

Williams, whose job included setting the wages that the Mexicans were to receive — based on the "prevailing" wages of the area in which they were to work — said farmers complained bitterly when wages were set higher than they wanted.

Williams bristles at the contentions of farmers and businessmen who hire illegal aliens today that they have no choice because American workers refuse to take the dirty, low-paying jobs, especially when it is so easy to get on welfare instead of working.

"They could get someone to work if they would pay a fair wage," Williams said. "When they would come to me and say they couldn't find American workers, I'd say, 'Why don't you offer them some (decent) wages.' And they would say that would put them out of business."

He said he is not the least bit surprised at Clements' proposal to implement a similar plan, although the governor insists it would give the workers better protection.

"The governor of Texas seems to have an affinity for the dollar, too," Williams said.

"Look what (Gov. John) Connally did. It's that attitude toward agriculture labor. It's the same one that (Gov.) Dolph Briscoe had. It's simply: we want to make money, and it looks like we're going to have to do it on low wages."

Williams was referring to Connally's refusal to meet with a delegation walking from the Rio Grande Valley to Austin to protest the plight of migrant farm workers.

And Williams also questions Clements' and the United States' sudden interest in Mexico.

"You know we never did give a damn about Mexico until they discovered all of that oil there," he said.

Williams said he does not have a solution, but he is confident a program like the bracero program is not the answer.

"I do have one answer: the bracero program is no answer. It would no more stop the flow of illegal aliens than they are presently being stopped."

The Dallas Morning News

The rights of immigrants are once more under assault as the Simpson/Rodino-Mazzoli immigration bill gathers steam for final Congressional passage. The rapidly escalating right-ward political trend evident in Reagan's second term has clearly helped to shape this year's version of the repressive Simpson/Mazzoli bill.

This dangerous, 1985 version of the bill, which has already passed the Senate, promises increased harassment and discrimination, mass deportations, and the continued curtailment of the democratic rights of immigrants and refugees.

Sponsored by Senator Alan Simpson in the Senate and by Congressmen Peter Rodino and Romano Mazzoli in the House, the bill is even more restrictive than the old Simpson/Mazzoli bills and the possibility that it will finally pass looks high. A strong consensus that the U.S. has "lost control of its borders" has been developing in Congress over the last several years, and there is considerable pressure from rightwing ideologues, agribusiness, and other sectors to pass legislation in their interests. Rodino's sponsorship of the bill in the House is evidence of the commitment to ensure passage of the bill. Rodino is chairman of the powerful House Judiciary Committee and carries the influence of a senior Congressman.

The immigrant rights movement must quickly and decisively respond to expose the anti-immigrant, scapegoat logic behind the bill and demand that it be stopped!

Years in the Making...

The 1985 bills are a product of many years of discussion and proposals on "immigration reform," beginning with the Carter Administration and the Select Commission on Immigration Reform in 1979. Since that time, the Reagan Administration has actively proposed sweeping changes in immigration laws and policies, including unveiling Reagan's own proposals in September, 1980. Reagan later supported the efforts of Simpson and Mazzoli, and constructed a "compromise" bill that falls directly in line with the Administration's positions. Reagan has already voiced support for the current proposals.

While the main provisions are similar to previous Simpson/Mazzoli bills, this year the bills have been streamlined in an effort to reduce opposition to the bill from conservative forces, who thought that last year's bill was "too liberal" and its legalization program too costly.

The Simpson and Rodino-Mazzoli bills are very complex. Following are the key provisions which have been the most controversial.

Employer Sanctions:

A key section of the bill, employer sanctions set civil and criminal penalties against employers for "knowingly hiring" undocumented. The penalties

range from $1,000 to $10,000 fines for each undocumented worker hired, with a maximum penalty of six months in prison for repeat offenders. (Under a separate program, farmers will continue to use undocumented workers over a three-year 'transition' period.)

This provision rests on the idea that the U.S. has lost control of its borders and is being overrun by "illegal aliens" who are stealing American jobs. Its logic is that sanctions will stop employers from "enticing" undocumented workers with jobs, and will reduce the "pull" of immigrant labor into the U.S.

However, under the so-called "employer" sanctions, undocumented workers found using fraudulent documents to obtain employment can be fined $5,000 or imprisoned for up to two years. Labor advocates project that employer sanctions will spur a whole new level of INS scrutiny and repression at

the workplace. In addition, sanctions may well lead to discrimination against legal residents or U.S.-born minorities who "look foreign" in the eyes of the employer. There are already reports that under the "threat" of future sanctions, employers have harassed and threatened minority employees. No adequate safeguards can be placed on the bill to prevent such abuse.

Expanded Temporary Workers Program:

In a very controversial move, the Senate approved a temporary workers program that could bring up to 350,000 workers into the U.S. at any one time for seasonal farm work. Although in previous years Congress has been reluctant to include a program that so closely resembles the widely-criticized Bracero Program of decades past, today's rightwing and anti-labor climate provided the backdrop for a successful Western growers lobby for a pool of cheap foreign labor.

Many speculate that the numbers of temporary workers will actually be much higher than 350,000 on an annual basis. The House bill would streamline the guidelines for employers to obtain temporary workers, thus allowing a major expansion of workers with few, if any, rights.

It is no secret that this temporary workers program is designed to undercut standards for U.S. labor by using workers who must accept low wages and will be limited in protesting working conditions or other grievances. The inclusion of this provision indicates that the bill's aim is not simply to "seal the borders," but to create a more "controllable" source of cheap foreign labor for U.S. business.

Legalization:

The Senate's legalization program offers temporary status to those undocumented who have lived in the U.S. prior to 1980; after two and a half years, they could apply for permanent residence. However, even those who might qualify for legalization would not be eligible for public benefits for nine years after joining the program.

The House bill has a Jan. 1, 1982 cut-off date to obtain temporary status, which could be adjusted to permanent after a year, and after meeting various requirements. They would be eligible for federally-funded public assistance five years after qualifying for legalization.

These proposals are even more weak than the restricted programs of previous bills. Under the Senate version, the implementation of the legalization program may be delayed for up to three years after the bill is passed. Eligibility requirements are stiff: applicants would have to prove "continuous residence" in the U.S. since the cut-off date, as well as satisfy English language and U.S. history and government requirements to obtain permanent residence. Last year, the Congressional Budget Office estimated that only 10% to 35% of the undocumented would be eligible at the 1982 cut-off date.

Finally, there is a serious danger of mass deportations on the scale of the 1950's Operation Wetback to reduce the number of undocumented immigrants in the country even before the legalization program begins. Many are also concerned that undocumented would be "entrapped" by the lure of legalization—identify themselves to the INS, fail to meet the eligibility requirements, and be targetted for deportation. At any rate, once the bill is passed, the INS will have even greater leeway to step up harassment and raids on neighborhoods and workplaces to "weed out" the undocumented whom they claim would not qualify for legalization.

Increased Enforcement:

The INS would almost double its current budget to $840 million, according to the Senate-passed bill, which encourages increases for the Border Patrol and enforcement activities. The Rodino-Mazzoli bill proposes a $422 million budget with increases for enforcement purposes.

Crackdown on the Refugee Movement

Because there is no special status for refugees from Central America and the Caribbean, they share the same conditions of oppression and repression as undocumented people from other parts of the world, and would also be victimized by the same provisions of the Simpson/Rodino-Mazzoli bills. However, the bill takes a clear shot at the refugee movement by increasing penalties for the transportation and protection of undocumented that is aimed

at silencing the sanctuary movement. Church-based sanctuary work has brought national attention not only to the plight of refugees, but to U.S. policies supporting repressive governments in Central America.

Exiles : No Sanctuary

DEATH SQUAD and VICTIMS

The House bill also creates a $35 million fund for an "immigration emergency"—a reflection of domestic preparations for an escalation of U.S. involvement in the war in Central America—an escalation that would further create a "flood" of refugees to the U.S.

Implications for Passage

If the Rodino-Mazzoli bill is passed in the House this next year, a "conference committee" of Senate and House representatives must meet to agree on a compromise bill that can be approved by both bodies. Last year, the conference committee could not agree on all compromise proposals and the bill died. However, negotiations over the current bills are already underway, and it is expected that in a conference committee, the new compromise bill would more closely resemble the more restrictive Senate bill.

While prospects of final passage look strong, the bill is still highly controversial, and the fightback over the last few years has shown the critical role that broad and massive opposition plays in stopping the bill's passage. Education and outreach work is essential to build opposition to the most controversial elements of the bill, if not to the whole bill.

The importation of highly exploited, temporary foreign labor; the groundwork for further INS abuse and mass deportation; increased discrimination and deportation of tens of thousands of refugees to face government repression and possible death, should all serve as rallying points for total opposition to the Simpson/Rodino-Mazzoli bills. Even "positive amendments" to minimize the harmful effects of the bills cannot stop what is becoming the "institutionalization" of repression against immigrant communities that this legislation promises.

Simpson/Rodino-Mazzoli must be stopped!

What You Can Do

Now is the time to organize against the Simpson/Rodino-Mazzoli legislation. Aside from joining in local education and organizing work, you can help by sending letters and mailgrams to your congressional representatives and to the Speaker of the House, Tip O'Neill, expressing your total opposition to the Rodino/Mazzoli bill (H.R. 3080).
Send your letter or mailgram to:

House of Representatives
Washington, D.C. 20515

and to:

Cong. Tip O'Neill
Speaker of the House
House of Representatives
Washington, D.C. 20515

For more information, contact:

This brochure was prepared by the Task Force for the National Day of Justice for Immigrants and Refugees.

Labor donated

The Simpson/Rodino-Mazzoli Bills... An Assault on Immigrant Rights

"This bill has been the leading edge of the assault on immigrant and refugee rights for the last several years... We oppose all legislative and administrative attempts to implement employer sanctions and increase border enforcement... We are committed to dispelling the myth that 'undocumented workers take away American jobs' which underlies the Simpson/Rodino-Mazzoli bill, and to organizing public pressure and protest to stop this bill once again."

—Excerpted from the Statement of Unity, National Consultation on Immigrant and Refugee Rights
April 26-27, 1985 in Los Angeles, California

"Anti-immigrant sentiments that unjustly blame immigrants for today's unemployment are quickly becoming accepted assumptions for U.S. policy making, with efforts to "seal our borders" through legislative and enforcement efforts. In fact, such anti-immigrant sentiment is totally unfounded. Rather than draining away U.S. jobs and resources, immigrants have played a decisive role in this country's economy and developing basic industry and agriculture, thus creating jobs and resources. As well, the social, cultural and political contributions to U.S. society by immigrants and refugees have been immense.

"Throughout U.S. history, in times of economic hardship, immigrants have been blamed for society's ills. Immigrants from Latin America, Asia, the Caribbean and Africa have taken the brunt of this scapegoating. Today this pattern of racial and national discrimination is repeating itself...

"Those who come to the U.S. without documents are not criminals. Rather, undocumented immigrants are the victims of hardship conditions that drive them from their home country, and are victims of unfair U.S. immigration policy. Undocumented immigrants and refugees should have full democratic rights in this country. The human, civil and labor rights of immigrants need to be defended and expanded...

"This bill (Simpson/Rodino-Mazzoli) has been the leading edge of the assault on immigrant and refugee rights for the last several years... We oppose all legislative and administrative attempts to implement employer sanctions and increase border enforcement... We are committed to dispelling the myth that 'undocumented workers take away American jobs' which underlies the Simpson/Rodino-Mazzoli bill, and to organizing public pressure and protest to stop this bill once again."

—Excerpted from the Statement of Unity, National Consultation on Immigrant and Refugee Rights
April 26-27, 1985 in Los Angeles, California

July 17, 1985

Herman y Compañeros,

I am writing you on behalf of the Ad Hoc Committee For The Defense Of Humberto Carrillo in order to call for a meeting between the Committee on Chicano Rights and this Ad Hoc Committee.

The Ad Hoc Committee For The Defense Of Humberto Carrillo formed in May, 1985 as a broad-based effort to protest the April 18, 1985 shooting of Humberto Carrillo (by U.S. Border Patrol Agent Ed Cole) and all other Border Patrol-INS abuses, organize against the absence of adequate investigation and prosecution of this shooting (and other immigration-related incidents), and to provide assistance to the Carrillo Estrada family. The efforts of the Ad Hoc Committee include the June 8 Bi-national Rally & March, currently the Ad Hoc Committee is planning an action against District Attorney Ed Miller to happen this August 7.

Ad Hoc Committee members Stevan Vela, Juan Castellanos, and I have discussed the formation and purpose of our committee with CCR members. Before initiating the June 8 mobilization I repeatedly phone-contacted several individuals at the CCR office (Aztec Printing), no productive results were forthcoming. CCR neither participated in or forwarded any concrete feedback on our efforts to confront the shooting of Humberto Carrillo. An important plus of the June 8 effort was the unity-building established with Tijuana activist organizations, if we could unite binationally on an important issue shouldn't we be able to do so within the Chicano/Mexicano community?

It is the concern of the Ad Hoc Committee that continued non-collaborative efforts by the Ad Hoc Committee and CCR regarding immigration- related issues will prove to be counter-productive. As we each confront racist, hypocritical policies and practices of various U.S. govermental bodies we are both open to attack by these & other conservative-thinking organizations. All too often the media has misrepresented Chicano/Mexicano-focused struggles, attempted to diminish our important work, and denied the public an honest picture of Chicano/Mexicano reality. The Ad Hoc Committee believes that, should CCR and the committee not begin to work closely together, we could find both our organizations portrayed as being divided and representative of a fragmented movement. The Ad Hoc Committee For The Defense Of Humberto Carrillo would like to meet with CCR in order to dialogue and attempt to create a united front which could help to avoid the just-described possibility.

Please feel free to call me at 428-4348 or 230-2712 in order to discuss the above.

UNIDOS EN LA LUCHA

Sergio Chavez, Chairman
Ad Hoc Committee For The Defense Of Humberto Carrillo

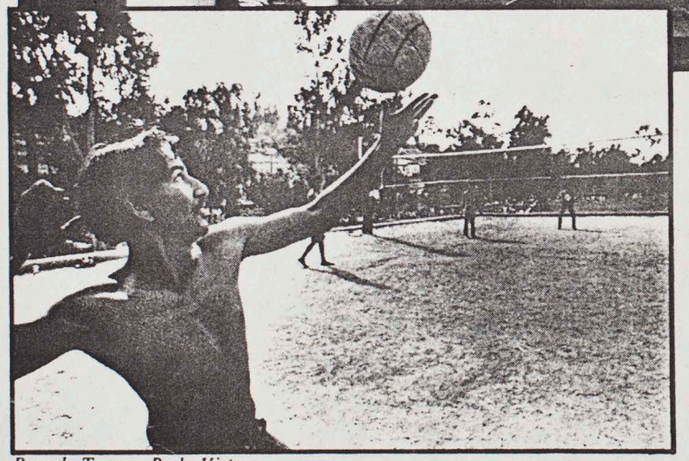
City Lights

Playing Volleyball With The Mexicans

Picnicking and volleyball are natural companions, like slaw and cole, eggs and deviled. Locating the volleyball court next to the picnic area is a logical design in most parks. But this configuration has caused attendance to fall in Brengle Terrace Park, according to a Vista park official. The problem, it seems, is that picnicking and volleyball also go together like beans and rice, asada and carne.

The Vista volleyball conflict, as discussed by the town's park commission two weeks ago, is being caused by large groups of Hispanics gathering at Brengle Terrace Park on the weekends. The Spanish-speaking men, who appear to the commission and park personnel to be undocumented immigrants, play volleyball and drink beer on the park's sole court, according to the park commission. On March 13 the commissioners debated what to do about the effect of these volleyball players on the fun of nearby picnickers. "When you have fifty people who don't speak the same language as the normal person around here, it has an intimidating effect," says Jim Porter, director of parks and recreation for Vista. Picknicking parents have told Porter that they are apprehensive when they send their children to the rest rooms because it necessitates walking past the volleyball courts. The men leave a lot of beer cans and food wrappings strewn about, according to Porter. But other than litter violations, no laws have been broken.

Photographs by Jay Pierre



Brengle Terrace Park, Vista

Overall usage of the picnic area decreased in 1985, Porter says, judging from his observations of available tables. He adds that rental fees collected for wedding receptions and other large-group picnics fell by a thousand dollars last year. Although he has only received "random" complaints about the Mexicans, Porter says he is aware of the situation because he drives by the park every weekend. "The fact that I see them there constantly lets me know there is a problem," he says.

When Porter brought the situation to the attention of the park commission two weeks ago, the appointed volunteer committee discussed a number of remedies. One suggested solution was to eliminate the court altogether. This idea was rejected, according to an article in the Oceanside *Blade-Tribune,* because several park commissioners argued that taking recreation away from illegal aliens might leave them idle and more mischievous. Moving the volleyball court closer to the gymnasium was also suggested, the *Blade* reported, because there would be closer supervision by park personnel. "You keep your eyes on them closely and they feel uncomfortable," Porter explains.

Last summer Porter hired a Spanish-speaking security guard to combat the same volleyball problem. Enforcement of park rules, such as handing out citations for bringing glass bottles into the park, eventually cleared the court. "We wanted to do it for a while to see if we could get them to go," says Porter. "And it worked. They left."

Park commissioner Mary Megorden says she does not recall any comments about idle and mischievous Hispanics during the meeting. The commission came to the conclusion that "we cannot exclude any group," she says. A decision was made to relocate the volleyball court away from the picnic area, to a more isolated part of the park. The move should take two weeks and cost about $2000. The commission also approved the construction of a second court at the new spot. Porter hopes to start some organized volleyball this summer. "That way we'll be able to get some real volleyball players to use [the courts]," he says.

— *B.C.*

R3-15-80 Silva Sanchez Perez Ruiz

NEWS RELEASE UNIVERSITY OF SAN DIEGO

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THE NEW IMMIGRATION LAW
A NOV. 22 SEMINAR
USD MEXICO-U.S. LAW INSTITUTE

The new immigration law and its local impact will be analyzed and debated by experts during a half-day seminar on Saturday, Nov. 22, at the University of San Diego School of Law.

Representatives of the United Farm Workers, the San Diego County Farm Bureau, the U.S. Border Patrol and the Mexican government are among those taking part in the conference, organized by the USD Mexico-U.S. Law Institute.

The conference begins at 8 a.m. in Fletcher Hall with a registration hour (coffee and rolls will be served) and is scheduled to end with a 20-minute question and answer period beginning at 12:40 p.m.

Amnesty and protection of Mexican nationals will be discussed by:

-- Mexico Consul Javier Escobar, based in San Diego.

-- UFW agent David Serena, based in San Ysidro.

-- Attorney Lilia Velasquez, an immigration law specialist in San Diego.

Employer sanctions will be dealt with by:

-- Sandor Stangel, regional vice president of the San Diego Hotel-Motel Association.

more

-- Charles Bedger, San Diego County Farm Bureau president.

-- Mini Ibarra, UFW.

The enforcement aspect will be reported on by:

-- Clifton J. Rogers, Deputy District Director, U.S. Immigration and Naturalization Service.

-- James Gram, U.S. Border Patrol associate chief.

Charles Wheeler, from the National Center for Immigration Rights, will discuss the content and scope of the new law.

Kitty Calavita, Center for U.S.-Mexican Studies, UCSD, will give a legislative history of the new law.

Linda Wong, of the Mexican-American Legal Defense and Educational Fund, based in Los Angeles, will deliver an overview of the law's impact on the San Diego/Tijuana area.

USD Law Professor Jorge Vargas, who is director of the Mexico-U.S. Law Institute, will moderate.

The Institute was created in 1983 by the law school to serve as a bridge of legal communication between the two countries. The institute is the first program established in the United States to improve the understanding of the laws on both sides of the border.

The Institute is expected to play an ongoing role in the understanding of the new immigration law.

For more information, please contact John Nunes at 260-4682 or Professor Vargas at 260-4816.

#

TRABAJADORES HUESPEDES

☆ El programa de trabajadores huéspedes —compromiso Schumer— otorgará residencia temporal a hasta 350 000 personas que la soliciten y hayan trabajado un mínimo de 90 días en la agricultura en los últimos tres años, y a los que hayan trabajado un mínimo de 90 días en el campo entre el 1 de mayo de 1985 y 1 de mayo de 1986. La residencia temporal puede ser canjeada por la permanente en un año en el caso de los primeros, y en dos años en el caso de los segundos.

☆ Establece un programa de reabastecimiento de mano de obra en la agricultura después de tres años de implementado el proyecto, el cual concedería la residencia temporal a los que trabajen un mínimo de 90 días en la agricultura por tres años en el caso de carestía de trabajadores. La residencia temporal puede ser canjeada por la permanente después de tres años. El programa de reabastecimiento termina siete años después de promulgada la ley.

★ Trabajadores huéspedes en el programa H-2, que laborarían en las cosechas no perecederas. Los empleadores deben solicitar al secretario de Trabajo la mano de obra requerida 60 días antes y luego tratar de reclutar trabajadores domésticos.

★ El secretario de Trabajo deberá decidir sobre la certificación de trabajadores extranjeros 20 días antes de que se les necesite. La determinación de necesidad se acelerará si los trabajadores domésticos no están calificados ni disponibles cuando se les necesita.

★ A los trabajadores se les garantiza vivienda, compensación laboral, transporte y costos de subsistencia, que deberán ser proporcionados por el empleador si no los ofrece un programa estatal, y pueden obtener servicios legales sólo en asuntos relacionados con el trabajo.

AYUDA A LOS ESTADOS

★ Autoriza un desembolso federal de mil millones de dólares por año por cuatro años para sufragar los gastos incurridos por los estados y municipalidades en proporcionar asistencia pública, salubridad, y educación a los beneficiados con la legalización.

INFORMES

★ Requiere que el Presidente presente tres informes sobre la inmigración legal; un informe sobre los factores que causan la inmigración ilegal; dos informes sobre el programa de legalización y dos informes sobre sanciones a los patronos.

★ Requiere al Gobierno presentar informes sobre el programa H-2, cada dos años.

★ Requiere al Procurador de Justicia de la nación que informe al Congreso sobre los recursos necesarios para mejorar la actividad del Servicio de Inmigración.

★ Establece que México debe ser consultado sobre la implementación de la ley.

COMISIONES

☆ Establece una comisión para estudio de migración internacional y desarrollo cooperativo económico.

SANCIONES A PATRONES

★ Sanciones para el que, a sabiendas, contrate reclute o refiera por un honorario a una persona sin documentos después de haber entrado en vigor la ley.

★ Los patronos deberán verificar que los nuevos contratados, después de promulgada la ley, tengan autorización para trabajar en el país.

★ El empleador deberá examinar algún documento aceptado oficialmente para ese fin, por ejemplo un pasaporte norteamericano, o un certificado de nacimiento norteamericano o carnet de Seguro Social y licencia de manejar, un carnet de identidad girado por el Estado o una tarjeta verde.

★ El patrón deberá asentar por escrito, bajo pena de perjurio, que ha visto la documentación mencionada. Requiere que el empleado asiente por escrito que está autorizado para trabajar en los Estados Unidos.

★ El proyecto establece un período de educación de seis meses durante el cual no se deberán poner en vigor las estipulaciones de la medida. Durante los subsiguientes doce meses se extenderán citatorios de advertencia por las primeras ofensas.

Las sanciones se aplicarán de la siguiente manera:

★ **Primera ofensa:** multa de no menos de 250 dólares y no más de 2,000 dólares por cada indocumentado.

★ **Segunda ofensa:** multa de no menos de 2,000 dólares y no más de 5,000 dólares por cada indocumentado.

★ **Tercera ofensa:** multa de no menos de 3,000 dólares ni más de 10,000 dólares por cada indocumentado.

★ Autoriza castigos criminales de hasta seis meses en prisión y/ o multas de 3,000 dólares por la práctica consuetudinaria de contratación de indocumentados.

★ Requiere a los empleadores, reclutadores o agencias de referencia mantener récords y establece una multa de no menos de 100 dólares y no más de mil dólares por no mantener esos archivos.

★ Elimina las sanciones después de tres años si la Oficina General de Contabilidad (GAO) ha determinado que las sanciones han producido discriminación en el empleo o han causado cargas excesivas a los empleadores y el Congreso emite una solución conjunta adoptando esa determinación.

★ Establece que un empleador, teniendo ante sí a dos solicitantes de empleo igualmente calificados —uno de ellos ciudadano, el otro residente legal— puede dar preferencia al ciudadano sin que se le pueda acusar de discriminación.

MEDIDA ANTIDISCRIMINACION

★ Crea una Oficina de Asesoría Especial en el departamento de Justicia con el fin específico de investigar y procesar cualquier acusación de discriminación debido a una práctica ilegal de empleo por motivos de situación migratoria (unlawful immigration-related employment practice).

★ Prohíbe la discriminación en base a la condición de ciudadano residente legal permanente, refugiado y asilado. En el caso de los legalizados, a tenor del programa de la ley Rodino-Simpson, solamente se prohíbe si han notificado por escrito su intención de hacerse ciudadano estadounidense.

★ Exceptúa a empleadores de tres o menos personas.

★ Termina la aplicación de este mecanismo si el Congreso decide eliminar las sanciones.

AUMENTA CUERPOS POLICIALES

★ Autoriza a la Patrulla Fronteriza a aumentar en un 50% su personal durante el año fiscal de 1987 y que mantenga ese nivel hasta el año de 1989.

★ Autoriza 422 millones de dólares extras al INS durante el año fiscal de 1987 y 419 millones de dólares extras en el año fiscal de 1988 para llevar a cabo las responsabilidades adicionales creadas por este proyecto de ley.

★ Autoriza un fondo de emergencia de 35 millones de dólares para uso en emergencias de inmigración.

★ Requiere a los agentes del INS obtener una orden judicial de registro antes de ingresar a un campo agrícola en busca de indocumentados.

LEGALIZACION

★ Provee residencia temporal a los que han residido en forma continua en el país desde antes del 1 de enero de 1982 y no son excluibles por haber sido convictos de algún delito grave, tres delitos de poca cuantía, o haber participado en la persecución de terceros. Se deberá solicitar en el curso de un año que comienza seis meses después de haber sido promulgada la ley.

★ Residencia temporal canjeable después de 18 meses si el interesado puede mostrar entendimiento mínimo del inglés y conocimiento de la historia y derecho de Estados Unidos o se encuentra recibiendo instrucción para adquirir esa comprensión y entendimiento.

★ Los nuevos legalizados no podrán percibir en los cinco años que siguen a la legalización de su estado, asistencia pública federal, con excepción de asistencia médica de emergencia, ayuda a los ancianos, invidentes o incapacitados, o por lesiones serias o en interés de la salud pública.

★ Concede residencia permanente a ciertos cubanos y haitianos llegados al país antes del 1 de enero de 1982.

PROCEDIMIENTO

★ Estipula la posibilidad de apelar ante un panel administrativo y ante un tribunal federal la denegación de la solicitud de legalización.

Pasa a la página 11

Mr. WALKER. We must remember—the gentleman is a historian by profession; but I do not remember Tammany Hall filing suit in Federal court to protect its activities.

□ 2045

As I recall, what we did at that time in our history was, it was Tammany Hall that ended up in court being prosecuted as a result of their activities. This is an interesting reversal in history that we have taking place here.

Mr. GINGRICH. As you will remember, there is a famous definition of the word "chutzpah" as a person who kills both parents and then throws himself on the mercy of the court on the grounds of being an orphan.

I would say to you the machine politician cheerfully walking in to defend the right of machines to vote people who have died is a new example of chutzpah. In fact, when you have, as they did in Louisiana, a local Democratic elected judge, elected by the machine which was using the votes of people who were dead, blocking an effort to get those people off the rolls, I think it is a new example of chutzpah.

What you have got here is a Democratic Party which in many parts of America stays in power only by voting people who do not exist. Either they have moved away or they have died and they are voted by the local machine.

Mr. WALKER. Or they are a vacant lot or they are an expressway.

Mr. GINGRICH. Well, one, I would hope they are not originally forged registrations, although, frankly, we have no proof of that. And I will get to that in just a minute. But let me quote what Republican National Chairman Frank Fahrenkopf said on October 7 in response to a Democratic attack, and I think he was exactly right.

He said:

I am extremely disappointed that the Democratic Party leadership has decided to take the low road on the issue of the integrity of our election system.

I think it would hardly be possible to state the opposite of the truth with more precision than the Democrats have done today. Their press conference accusing us of attempting to intimidate minority voters is nothing more than Democratic politics as usual.

They took the same approach in 1984. A very similar press conference was called and almost identical charges were made. Yet almost two years after the 1984 election, not one shred of evidence has been presented to indicate that our efforts intimidated a single voter.

Their charges are as false today as they were two years ago. The program we have put in place with the National Republican Congressional Committee and the National Republican Senatorial Committee is completely open and above board. We have invited and continue to invite any interested member of the media to come and see what we have done and what we are doing.

Additionally, we will gladly join the Democrats any place any time to eliminate any voter intimidation or abuse. We ask them, as we have in the past, to join us to eliminate voter fraud.

Any attempt to threaten or intimidate any voter is a reprehensible attack on the sanctity of the vote. However, votes cast by deceased or nonexistent individuals are also reprehensible. Every time a vacant lot, abandoned building, or a grave votes, the civil rights of all Americans are in danger.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

CONFERENCE REPORT ON IMMIGRATION REFORM AND CONTROL ACT OF 1986

Mr. SCHUMER submitted the following conference report and statement on the Senate bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, and for other purposes:

CONFERENCE REPORT (H. REPT. 99-1000)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, 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 to the text 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 to the text insert the following:

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Immigration Reform and Control Act of 1986".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of, a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

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TITLE I—CONTROL OF ILLEGAL IMMIGRATION

PART A—EMPLOYMENT

SEC. 101. CONTROL OF UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—

(1) NEW PROVISION.—Chapter 8 of title II is amended by inserting after section 274 (8 U.S.C. 1324) the following new section:

"UNLAWFUL EMPLOYMENT OF ALIENS

"SEC. 274A. (a) HIRING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for a person or other entity to hire, or to recruit or refer for a fee, for employment in the United States—

"(A) an alien knowing the alien is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment, or

"(B) an individual without complying with the requirements of subsection (b).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for a person or other entity, after hiring an alien for employment in accordance with paragraph (1), to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(4) USE OF LABOR THROUGH CONTRACT.—For purposes of this section, a person or other entity who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of this section, to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien (as defined in subsection (h)(3)) with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(5) USE OF STATE EMPLOYMENT AGENCY DOCUMENTATION.—For purposes of paragraphs (1)(B) and (3), a person or entity shall be deemed to have complied with the requirements of subsection (b) with respect to the hiring of an individual who was referred for such employment by a State employment agency (as defined by the Attorney General), if the person or entity has and retains (for the period and in the manner described in subsection (b)(3)) appropriate documentation of such referral by that agency, which documentation certifies that the agency has complied with the procedures specified in subsection (b) with respect to the individual's referral.

"(6) EMPLOYMENT VERIFICATION SYSTEM.—The requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the requirements specified in the following three paragraphs:

"(A) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

"(i) IN GENERAL.—The person or entity must attest, under penalty of perjury and on a form designated or established by the Attorney General by regulation, that it has verified that the individual is not an unauthorized alien by examining—

"(I) a document described in subparagraph (B), or

"(II) a document described in subparagraph (C) and a document described in subparagraph (D).

A person or entity has complied with the requirement of this paragraph with respect to examination of a document if the document reasonably appears on its face to be genuine. If an individual provides a document or combination of documents that reasonably appears on its face to be genuine and that is sufficient to meet the requirements of such sentence, nothing in this paragraph shall be construed as requiring the person or entity to solicit the production of any other document or as requiring the individual to produce such a document.

"(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT AUTHORIZATION AND IDENTITY.—A document described in this subparagraph is an individual's—

"(i) United States passport;

"(ii) certificate of United States citizenship;

"(iii) certificate of naturalization;

"(iv) unexpired foreign passport, if the passport has an appropriate, unexpired endorsement of the Attorney General authorizing the individual's employment in the United States; or

"(v) resident alien card or other alien registration card, if the card—

"(I) contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this subsection, and

"(II) is evidence of authorization of employment in the United States.

"(C) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is an individual's—

"(i) social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States);

"(ii) certificate of birth in the United States or establishing United States nationality at birth, which certificate the Attorney General finds, by regulation, to be acceptable for purposes of this section; or

"(iii) other documentation evidencing authorization of employment in the United States which the Attorney General finds, by regulation, to be acceptable for purposes of this section.

"(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

"(i) driver's license or similar document issued for the purpose of identification by a State, if it contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section; or

"(ii) in the case of individuals under 16 years of age or in a State which does not provide for issuance of an identification document (other than a driver's license) referred to in clause (i), documentation of personal identity of such other type as the Attorney General finds, by regulation, provides a reliable means of identification.

"(2) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—The individual must attest, under penalty of perjury on the form designated or established for purposes of paragraph (1), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Attorney General to be hired, recruited, or referred for such employment.

"(3) RETENTION OF VERIFICATION FORM.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity must retain the form and make it available for inspection by officers of the Service or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, three years after the date of the recruiting or referral, and

"(B) in the case of the hiring of an individual—

"(i) three years after the date of such hiring, or

"(ii) one year after the date the individual's employment is terminated,

whichever is later.

"(4) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

"(5) LIMITATION ON USE OF ATTESTATION FORM.—A form designated or established by the Attorney General under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this Act and sections 1001, 1028, 1546, and 1621 of title 18, United States Code.

"(c) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

"(d) EVALUATION AND CHANGES IN EMPLOYMENT VERIFICATION SYSTEM.—

"(1) PRESIDENTIAL MONITORING AND IMPROVEMENTS IN SYSTEM.—

"(A) MONITORING.—The President shall provide for the monitoring and evaluation of the degree to which the employment verification system established under subsection (b) provides a secure system to determine employment eligibility in the United States and shall examine the suitability of existing Federal and State identification systems for use for this purpose.

"(B) IMPROVEMENTS TO ESTABLISH SECURE SYSTEM.—To the extent that the system established under subsection (b) is found not to be a secure system to determine employment eligibility in the United States, the President shall, subject to paragraph (3) and taking into account the results of any demonstration projects conducted under paragraph (4), implement such changes in (including additions to) the requirements of subsection (b) as may be necessary to establish a secure system to determine employment eligibility in the United States. Such changes in the system may be implemented only if the changes conform to the requirements of paragraph (3).

"(2) RESTRICTIONS ON CHANGES IN SYSTEM.—Any change the President proposes to implement under paragraph (1) in the verification system must be designed in a manner so the verification system, as so changed, meets the following requirements:

"(A) RELIABLE DETERMINATION OF IDENTITY.—The system must be capable of reliably determining whether—

"(i) a person with the identity claimed by an employee or prospective employee is eligible to work, and

"(ii) the employee or prospective employee is claiming the identity of another individual.

"(B) USING OF COUNTERFEIT-RESISTANT DOCUMENTS.—If the system requires that a document be presented to or examined by an employer, the document must be in a form which is resistant to counterfeiting and tampering.

"(C) LIMITED USE OF SYSTEM.—Any personal information utilized by the system may not be made available to Government agencies, employers, and other persons except to the extent necessary to verify that an individual is not an unauthorized alien.

"(D) PRIVACY OF INFORMATION.—The system must protect the privacy and security of personal information and identifiers utilized in the system.

"(E) LIMITED DENIAL OF VERIFICATION.—A verification that an employee or prospective

employee is eligible to be employed in the United States may not be withheld or revoked under the system for any reason other than that the employee or prospective employee is an unauthorized alien.

"(F) LIMITED USE FOR LAW ENFORCEMENT PURPOSES.—The system may not be used for law enforcement purposes, other than for enforcement of this Act or sections 1001, 1028, 1546, and 1621 of title 18, United States Code.

"(G) RESTRICTION ON USE OF NEW DOCUMENTS.—If the system requires individuals to present a new card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral, then such document may not be required to be presented for any purpose other than under this Act (or enforcement of sections 1001, 1028, 1546, and 1621 of title 18, United States Code) nor to be carried on one's person.

"(3) NOTICE TO CONGRESS BEFORE IMPLEMENTING CHANGES.—

"(A) IN GENERAL.—The President may not implement any change under paragraph (1) unless at least—

"(i) 60 days,

"(ii) one year, in the case of a major change described in subparagraph (D)(iii), or

"(iii) two years, in the case of a major change described in clause (i) or (ii) of subparagraph (D),

before the date of implementation of the change, the President has prepared and transmitted to the Committee on the Judiciary of the House of Representatives and to the Committee on the Judiciary of the Senate a written report setting forth the proposed change. If the President proposes to make any change regarding social security account number cards, the President shall transmit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a written report setting forth the proposed change. The President promptly shall cause to have printed in the Federal Register the substance of any major change (described in subparagraph (D)) proposed and reported to Congress.

"(B) CONTENTS OF REPORT.—In any report under subparagraph (A) the President shall include recommendations for the establishment of civil and criminal sanctions for unauthorized use or disclosure of the information or identifiers contained in such system.

"(C) CONGRESSIONAL REVIEW OF MAJOR CHANGES.—

"(i) HEARINGS AND REVIEW.—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 any major change described in subparagraph (D), shall hold hearings respecting the feasibility and desirability of implementing such a change, and, within the two year period before implementation, shall report to their respective Houses findings on whether or not such a change should be implemented.

"(ii) CONGRESSIONAL ACTION.—No major change may be implemented unless the Congress specifically provides, in an appropriations or other Act, for funds for implementation of the change.

"(D) MAJOR CHANGES REQUIRING TWO YEARS NOTICE AND CONGRESSIONAL REVIEW.—As used in this paragraph, the term 'major change' means a change which would—

"(i) require an individual to present a new card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral,

"(ii) provide for a telephone verification system under which an employer, recruiter, or referrer must transmit to a Federal official information concerning the immigration status of prospective employees and the official transmits to the person, and the person must record, a verification code, or

"(iii) require any change in any card used for accounting purposes under the Social Security Act, including any change requiring that the only social security account number cards which may be presented in order to comply with subsection (b)(1)(C)(i) are such cards as are in a counterfeit-resistant form consistent with the second sentence of section 205(c)(2)(D) of the Social Security Act.

"(E) GENERAL REVENUE FUNDING OF SOCIAL SECURITY CARD CHANGES.—Any costs incurred in developing and implementing any change described in subparagraph (D)(iii) for purposes of this subsection shall not be paid for out of any trust fund established under the Social Security Act.

"(4) DEMONSTRATION PROJECTS.—

"(A) AUTHORITY.—The President may undertake demonstration projects (consistent with paragraph (2)) of different changes in the requirements of subsection (b). No such project may extend over a period of longer than three years.

"(B) REPORTS ON PROJECTS.—The President shall report to the Congress on the results of demonstration projects conducted under this paragraph.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Attorney General shall establish procedures—

"(A) for individuals and entities to file written, signed complaints respecting potential violations of subsection (a),

"(B) for the investigation of those complaints which, on their face, have a substantial probability of validity,

"(C) for the investigation of such other violations of subsection (a) as the Attorney General determines to be appropriate, and

"(D) for the designation in the Service of a unit which has, as its primary duty, the prosecution of cases of violations of subsection (a) under this subsection.

"(2) AUTHORITY IN INVESTIGATIONS.—In conducting investigations and hearings under this subsection—

"(A) immigration officers and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated, and

"(B) administrative law judges, may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing.

In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Attorney General, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(3) HEARING.—

"(A) IN GENERAL.—Before imposing an order described in paragraph (4) or (5) against a person or entity under this subsection for a violation of subsection (a), the Attorney General shall provide the person or entity with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Attorney General) of the date of the notice, a hearing respecting the violation.

"(B) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. The hearing shall be held at the nearest practicable place to the place where the person or entity resides or of the place where the alleged violation occurred. If no hearing is so requested, the Attorney General's imposition of the order shall constitute a final and unappealable order.

"(C) ISSUANCE OF ORDERS.—If the administrative law judge determines, upon the preponderance of the evidence received, that a person or entity named in the complaint has violated subsection (a), the administrative law judge shall state his findings of fact and issue and cause to be served on such person or entity an order described in paragraph (4) or (5).

"(4) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—With respect to a violation of subsection (a)(1)(A) or (a)(2), the order under this subsection—

"(A) shall require the person or entity to cease and desist from such violations and to pay a civil penalty in an amount of—

"(i) not less than $250 and not more than $2,000 for each unauthorized alien with respect to whom a violation of either such subsection occurred,

"(ii) not less than $2,000 and not more than $5,000 for each such alien in the case of a person or entity previously subject to one order under this subparagraph, or

"(iii) not less than $3,000 and not more than $10,000 for each such alien in the case of a person or entity previously subject to more than one order under this subparagraph; and

"(B) may require the person or entity—

"(i) to comply with the requirements of subsection (b) (or subsection (d) if applicable) with respect to individuals hired (or recruited or referred for employment for a fee) during a period of up to three years, and

"(ii) to take such other remedial action as is appropriate.

In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(5) ORDER FOR CIVIL MONEY PENALTY FOR PAPERWORK VIOLATIONS.—With respect to a violation of subsection (a)(1)(B), the order under this subsection shall require the person or entity to pay a civil penalty in an amount of not less than $100 and not more than $1,000 for each individual with respect to whom such violation occurred. In determining the amount of the penalty, due consideration shall be given to the size of the business of the employer being charged, the good faith of the employer, the seriousness of the violation, whether or not the individual was an unauthorized alien, and the history of previous violations.

"(6) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative law judge shall become the final agency decision and order of the Attorney General unless, within 30 days, the Attorney General modifies or vacates the decision and order, in which case the decision and order of the Attorney General shall become a final order under this subsection. The Attorney General may not delegate the Attorney General's authority under this paragraph to any entity which has review authority over immigration-related matters.

"(7) JUDICIAL REVIEW.—A person or entity adversely affected by a final order respecting an assessment may, within 45 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

"(8) ENFORCEMENT OF ORDERS.—If a person or entity fails to comply with a final order issued under this subsection against the person or entity, the Attorney General shall file a suit to seek compliance with the order in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $3,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than six months for the entire pattern or practice, or both, notwithstanding the provisions of any other Federal law relating to fine levels.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—Whenever the Attorney General has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary.

"(g) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for a person or other entity, in the hiring, recruiting, or referring for employment of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated paragraph (1) shall be subject to a civil penalty of $1,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

"(h) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) authorized to be employed in the United States, the Attorney General shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(3) DEFINITION OF UNAUTHORIZED ALIEN.—As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this Act or by the Attorney General.

"(i) EFFECTIVE DATES.—

"(1) 6-MONTH PUBLIC INFORMATION PERIOD.—During the six-month period beginning on the first day of the first month after the date of the enactment of this section—

"(A) the Attorney General, in cooperation with the Secretaries of Agriculture, Commerce, Health and Human Services, Labor, and the Treasury and the Administrator of the Small Business Administration, shall disseminate forms and information to employers, employment agencies, and organizations representing employees and provide for public education respecting the requirements of this section, and

"(B) the Attorney General shall not conduct any proceeding, nor issue any order, under this section on the basis of any violation alleged to have occurred during the period.

"(2) 12-MONTH FIRST CITATION PERIOD.—In the case of a person or entity, in the first instance in which the Attorney General has reason to believe that the person or entity may have violated subsection (a) during the subsequent 12-month period, the Attorney General shall provide a citation to the person or entity indicating that such a violation or violations may have occurred and shall not conduct any proceeding, nor issue any order, under this section on the basis of such alleged violation or violations.

"(3) DEFERRAL OF ENFORCEMENT WITH RESPECT TO SEASONAL AGRICULTURAL SERVICES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), before the end of the application period (as defined in subparagraph (C)(i)), the Attorney General shall not conduct any proceeding, nor impose any penalty, under this section on the basis of any violation alleged to have occurred with respect to employment of an individual in seasonal agricultural services.

"(B) PROHIBITION OF RECRUITMENT OUTSIDE THE U.S.—

"(i) IN GENERAL.—During the application period, it is unlawful for a person or entity (including a farm labor contractor) or an agent of such a person or entity, to recruit an unauthorized alien (other than an alien described in clause (ii)) who is outside the United States to enter the United States to perform seasonal agricultural services.

"(ii) EXCEPTION.—Clause (i) shall not apply to an alien who the person or entity reasonably believes meets the requirements of section 210(a)(2) of this Act (relating to performance of seasonal agricultural services).

"(iii) PENALTY FOR VIOLATION.—A person, entity, or agent that violates clause (i) shall be deemed to be subject to a order under this section in the same manner as if it had violated paragraph (1)(A), without regard to paragraph (2) of this subsection.

"(C) DEFINITIONS.—In this paragraph:

"(i) APPLICATION PERIOD.—The term 'application period' means the period described in section 210(a)(1).

"(ii) SEASONAL AGRICULTURAL SERVICES.—The term 'seasonal agricultural services' has the meaning given such term in section 210(h).

"(j) GENERAL ACCOUNTING OFFICE REPORTS.—

"(1) IN GENERAL.—Beginning one year after the date of enactment of this Act, and at intervals of one year thereafter for a period of three years after such date, the Comptroller General of the United States shall prepare and transmit to the Congress and to the taskforce established under subsection (k) a report describing the results of a review of the implementation and enforcement of this section during the preceding twelve-month period, for the purpose of determining if—

"(A) such provisions have been carried out satisfactorily;

"(B) a pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment; and

"(C) an unnecessary regulatory burden has been created for employers hiring such workers.

"(2) DETERMINATION ON DISCRIMINATION.—In each report, the Comptroller General shall make a specific determination as to whether the implementation of that section has resulted in a pattern of discrimination in employment (against other than unauthorized aliens) on the basis of national origin.

"(3) RECOMMENDATIONS.—If the Comptroller General has determined that such a pattern of discrimination has resulted, the report—

"(A) shall include a description of the scope of that discrimination, and

"(B) may include recommendations for such legislation as may be appropriate to deter or remedy such discrimination.

"(k) REVIEW BY TASKFORCE.—

"(1) ESTABLISHMENT OF JOINT TASKFORCE.—The Attorney General, jointly with the Chairman of the Commission on Civil Rights and the Chairman of the Equal Employment Opportunity Commission, shall establish a taskforce to review each report of the Comptroller General transmitted under subsection (j)(1).

"(2) RECOMMENDATIONS TO CONGRESS.—If the report transmitted includes a determination that the implementation of this section has resulted in a pattern of discrimination in employment (against other than unauthorized aliens) on the basis of national origin, the taskforce shall, taking into consideration any recommendations in the report, report to Congress recommendations for such legislation as may be appropriate to deter or remedy such discrimination.

"(3) CONGRESSIONAL HEARINGS.—The Committees on the Judiciary of the House of Representatives and of the Senate shall hold hearings respecting any report of the taskforce under paragraph (2) within 60 days after the date of receipt of the report.

"(l) TERMINATION DATE FOR EMPLOYER SANCTIONS.—

"(1) IF REPORT OF WIDESPREAD DISCRIMINATION AND CONGRESSIONAL APPROVAL.—The provisions of this section shall terminate 30 calendar days after receipt of the last report required to be transmitted under subsection (j), if—

"(A) the Comptroller General determines, and so reports in such report, that a widespread pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment solely from the implementation of this section; and

"(B) there is enacted, within such period of 30 calendar days, a joint resolution stating in substance that the Congress approves the findings of the Comptroller General contained in such report.

"(2) SENATE PROCEDURES FOR CONSIDERATION.—Any joint resolution referred to in clause (B) of paragraph (1) shall be considered in the Senate in accordance with subsection (n).

"(m) EXPEDITED PROCEDURES IN THE HOUSE OF REPRESENTATIVES.—For the purpose of expediting the consideration and adoption of joint resolutions under subsection (l), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(n) EXPEDITED PROCEDURES IN THE SENATE.—

"(1) CONTINUITY OF SESSION.—For purposes of subsection (l), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

"(2) RULEMAKING POWER.—Paragraphs (3) and (4) of this subsection are enacted—

"(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of joint resolutions referred to in subsection (l), and superseds other rules of the Senate only to the extent that such paragraphs are inconsistent therewith; and

"(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner as in the case of any other rule of the Senate.

"(3) COMMITTEE CONSIDERATION.—

"(A) MOTION TO DISCHARGE.—If the committee of the Senate to which has been referred a joint resolution relating to the report described in subsection (l) has not reported such joint resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under paragraph (1) of this subsection, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same report which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same report.

"(B) CONSIDERATION OF MOTION.—A motion to discharge under subparagraph (A) of this paragraph may be made only by a Senator favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(4) MOTION TO PROCEED TO CONSIDERATION.—

"(A) IN GENERAL.—A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) DEBATE ON RESOLUTION.—Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) DEBATE ON MOTION.—Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) MOTIONS TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a joint resolution is in order in the Senate.".

(2) INTERIM REGULATIONS.—The Attorney General shall, not later than the first day of the seventh month beginning after the date of the enactment of this Act, first issue, on an interim or other basis, such regulations as may be necessary in order to implement this section.

(3) GRANDFATHER FOR CURRENT EMPLOYEE.—(A) Section 274A(a)(1) of the Immigration and Nationality Act shall not apply to the hiring, or recruiting or referring of an individual for employment which has occurred before the date of the enactment of this Act.

(3) Section 274A(a)(2) of the Immigration and Nationality Act shall not apply to continuing employment of an alien who was hired before the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS TO MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—(1) The Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470) is amended—

(A) by striking out "101(a)(15)(H)(ii)" in paragraphs (8)(B) and (10)(B) of section 3 (29 U.S.C. 1802) and inserting in lieu thereof "101(a)(15)(H)(ii)(a)";

(B) in section 103(a) (29 U.S.C. 1813(a))—

(i) by striking out "or" at the end of paragraph (4),

(ii) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and

(iii) by adding at the end the following new paragraph:

"(6) has been found to have violated paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act.";

(C) by striking out section 106 (29 U.S.C. 1816) and the corresponding item in the table of contents; and

(D) by striking out "section 106" in section 501(b) (29 U.S.C. 1851(b)) and by inserting in lieu thereof "paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act".

(2) The amendments made by paragraph (1) shall apply to the employment, recruitment, referral, or utilization of the services of an individual occurring on or after the first day of the seventh month beginning after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 274 the following new item:

"Sec. 274A. Unlawful employment of aliens.".

(d) STUDY ON THE USE OF A TELEPHONE VERIFICATION SYSTEM FOR DETERMINING EMPLOYMENT ELIGIBILITY OF ALIENS.—(1) The Attorney General, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall conduct a study for use by the Department of Justice in determining employment eligibility of aliens in the United States. Such study shall concentrate on those data bases that are currently available to the Federal Government which through the use of a telephone and computation capability could be used to verify instantly the employment eligibility status of job applicants who are aliens.

(2) Such study shall be conducted in conjunction with any existing Federal program which is designed for the purpose of providing information on the resident or employment status of aliens for employers. The study shall include an analysis of costs and benefits which shows the differences in costs and efficiency of having the Federal Government or a contractor perform this service. Such comparisons should include reference to such technical capabilities as processing techniques and time, verification techniques and time, back up safeguards, and audit trail performance.

(3) Such study shall also concentrate on methods of phone verification which demonstrate the best safety and service standards, the least burden for the employer, the best capability for effective enforcement, and procedures which are within the boundaries of the Privacy Act of 1974.

(4) Such study shall be conducted within twelve months of the date of enactment of this Act.

(5) The Attorney General shall prepare and transmit to the Congress a report—

(A) not later than six months after the date of enactment of this Act, describing the plans of such study; and

(B) not later than twelve months after such date, setting forth the findings of such study.

(e) FEASIBILITY STUDY OF SOCIAL SECURITY NUMBER VALIDATION SYSTEM.—The Secretary of Health and Human Services, acting through the Social Security Administration and in cooperation with the Attorney General and the Secretary of Labor, shall conduct a study of the feasibility and costs of establishing a social security number validation system to assist in carrying out the purposes of section 274A of the Immigration and Nationality Act, and of the privacy concerns that would be raised by the establishment of such a system. The Secretary shall submit to the Committees on Ways and Means and Judiciary of the House of Representatives and to the Committees on Finance and Judiciary of the Senate, within 2 years after the date of the enactment of this Act, a full and complete report on the results of the study together with such recommendations as may be appropriate.

(f) COUNTERFEITING OF SOCIAL SECURITY ACCOUNT NUMBER CARDS.—(1) The Comptroller General of the United States, upon consultation with the Attorney General and the Secretary of Health and Human Services as well as private sector representatives (including representatives of the financial, banking, and manufacturing industries), shall inquire into technological alternatives for producing and issuing social security account number cards that are more resistant to counterfeiting than social security account number cards being issued on the date of enactment of this Act by the Social Security Administration, including the use of encoded magnetic, optical, or active electronic media such as magnetic stripes, holograms, and integrated circuit chips. Such inquiry should focus on technologies that will help ensure the authenticity of the card, rather than the identity of the bearer.

(2) The Comptroller General of the United States shall explore additional actions that could be taken to reduce the potential for fraudulently obtaining and using social security account number cards.

(3) Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall prepare and transmit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and the Committee on the Judiciary and the Committee on Finance of the Senate a report setting forth his findings and recommendations under this subsection.

SEC. 102. UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) IN GENERAL.—Chapter 8 of title II is further amended by inserting after section 274A, as inserted by section 101(a), the following new section:

"UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

"SEC. 274B. (a) PROHIBITION OF DISCRIMINATION BASED ON NATIONAL ORIGIN OR CITIZENSHIP STATUS.—

"(1) GENERAL RULE.—It is an unfair immigration-related employment practice for a person or other entity to discriminate against any individual (other than an un-

authorized alien) with respect to the hiring, or recruitment or referral for a fee, of the individual for employment or the discharging of the individual from employment—

"(A) because of such individual's national origin, or

"(B) in the case of a citizen or intending citizen (as defined in paragraph (3)), because of such individual's citizenship status.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

"(A) a person or other entity that employs three or fewer employees,

"(B) a person's or entity's discrimination because of an individual's national origin if the discrimination with respect to that person or entity and that individual is covered under section 703 of the Civil Rights Act of 1964, or

"(C) discrimination because of citizenship status which is otherwise required in order to comply with law, regulation, or executive order, or required by Federal, State, or local government contract, or which the Attorney General determines to be essential for an employer to do business with an agency or department of the Federal, State, or local government.

"(3) DEFINITION OF CITIZEN OR INTENDING CITIZEN.—As used in paragraph (1), the term 'citizen or intending citizen' means an individual who—

"(A) is a citizen or national of the United States, or

"(B) is an alien who—

"(i) is lawfully admitted for permanent residence, is granted the status of an alien lawfully admitted for temporary residence under section 245A(a)(1), is admitted as a refugee under section 207, or is granted asylum under section 208, and

"(ii) evidences an intention to become a citizen of the United States through completing a declaration of intention to become a citizen;

but does not include (I) an alien who fails to apply for naturalization within six months of the date the alien first becomes eligible (by virtue of period of lawful permanent residence) to apply for naturalization or, if later, within six months after the date of the enactment of this section and (II) an alien who has applied on a timely basis, but has not been naturalized as a citizen within 2 years after the date of the application, unless the alien can establish that the alien is actively pursuing naturalization, except that time consumed in the Service's processing the application shall not be counted toward the 2-year period.

"(4) ADDITIONAL EXCEPTION PROVIDING RIGHT TO PREFER EQUALLY QUALIFIED CITIZENS.—Notwithstanding any other provision of this section, it is not an unfair immigration-related employment practice for a person or other entity to prefer to hire, recruit, or refer an individual who is a citizen or national of the United States over another individual who is an alien if the two individuals are equally qualified.

"(b) CHARGES OF VIOLATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any person alleging that the person is adversely affected directly by an unfair immigration-related employment practice (or a person on that person's behalf) or an officer of the Service alleging that an unfair immigration-related employment practice has occurred or is occurring may file a charge respecting such practice or violation with the Special Counsel (appointed under subsection (c)). Charges shall be in writing under oath or affirmation and shall contain such information as the Attorney General requires. The Special Counsel by certified mail shall serve a notice of the charge (including the date, place, and circumstances of the alleged unfair immigration-related employment practice) on the person or entity involved within 10 days.

"(2) NO OVERLAP WITH EEOC COMPLAINTS.—No charge may be filed respecting an unfair immigration-related employment practice described in subsection (a)(1)(A) if a charge with respect to that practice based on the same set of facts has been filed with the Equal Employment Opportunity Commission under title VII of the Civil Rights Act of 1964, unless the charge is dismissed as being outside the scope of such title. No charge respecting an employment practice may be filed with the Equal Employment Opportunity Commission under such title if a charge with respect to such practice based on the same set of facts has been filed under this subsection, unless the charge is dismissed under this section as being outside the scope of this section.

"(c) SPECIAL COUNSEL.—

"(1) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, a Special Counsel for Immigration-Related Unfair Employment Practices (hereinafter in this section referred to as the 'Special Counsel') within the Department of Justice to serve for a term of four years. In the case of a vacancy in the office of the Special Counsel the President may designate the officer or employee who shall act as Special Counsel during such vacancy.

"(2) DUTIES.—The Special Counsel shall be responsible for investigation of charges and issuance of complaints under this section and in respect of the prosecution of all such complaints before administrative law judges and the exercise of certain functions under subsection (f)(1).

"(3) COMPENSATION.—The Special Counsel is entitled to receive compensation at a rate not to exceed the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code.

"(4) REGIONAL OFFICES.—The Special Counsel, in accordance with regulations of the Attorney General, shall establish such regional offices as may be necessary to carry out his duties.

"(d) INVESTIGATION OF CHARGES.—

"(1) BY SPECIAL COUNSEL.—The Special Counsel shall investigate each charge received and, within 120 days of the date of the receipt of the charge, determine whether or not there is reasonable cause to believe that the charge is true and whether or not to bring a complaint with respect to the charge before an administrative law judge. The Special Counsel may, on his own initiative, conduct investigations respecting unfair immigration-related employment practices and, based on such an investigation and subject to paragraph (3), file a complaint before such a judge.

"(2) PRIVATE ACTIONS.—If the Special Counsel, after receiving such a charge respecting an unfair immigration-related employment practice which alleges knowing and intentional discriminatory activity or a pattern or practice of discriminatory activity, has not filed a complaint before an administrative law judge with respect to such charge within such 120-day period, the person making the charge may (subject to paragraph (3)) file a complaint directly before such a judge.

"(3) TIME LIMITATIONS ON COMPLAINTS.—No complaint may be filed respecting any unfair immigration-related employment practice occurring more than 180 days prior to the date of the filing of the charge with the Special Counsel. This subparagraph shall not prevent the subsequent amending of a charge or complaint under subsection (e)(1).

"(e) HEARINGS.—

"(1) NOTICE.—Whenever a complaint is made that a person or entity has engaged in or is engaging in any such unfair immigration-related employment practice, an administrative law judge shall have power to issue and cause to be served upon such person or entity a copy of the complaint and a notice of hearing before the judge at a place therein fixed, not less than five days after the serving of the complaint. Any such complaint may be amended by the judge conducting the hearing, upon the motion of the party filing the complaint, in the judge's discretion at any time prior to the issuance of an order based thereon. The person or entity so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint.

"(2) JUDGES HEARING CASES.—Hearings on complaints under this subsection shall be considered before administrative law judges who are specially designated by the Attorney General as having special training respecting employment discrimination and, to the extent practicable, before such judges who only consider cases under this section.

"(3) COMPLAINANT AS PARTY.—Any person filing a charge with the Special Counsel respecting an unfair immigration-related employment practice shall be considered a party to any complaint before an administrative law judge respecting such practice and any subsequent appeal respecting that complaint. In the discretion of the judge conducting the hearing, any other person may be allowed to intervene in the said proceeding and to present testimony.

"(f) TESTIMONY AND AUTHORITY OF HEARING OFFICERS.—

"(1) TESTIMONY.—The testimony taken by the administrative law judge shall be reduced to writing. Thereafter, the judge, in his discretion, upon notice may provide for the taking of further testimony or hear argument.

"(2) AUTHORITY OF ADMINISTRATIVE LAW JUDGES.—In conducting investigations and hearings under this subsection and in accordance with regulations of the Attorney General, the Special Counsel and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated. The administrative law judges by subpoena may compel the attendance of witnesses and the production of evidence at any designated place or hearing. In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the administrative law judge, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(g) DETERMINATION.—

"(1) ORDER.—The administrative law judge shall issue and cause to be served on the parties to the proceeding an order, which shall be final unless appealed as provided under subsection (i).

"(2) ORDERS FINDING VIOLATIONS.—

"(A) IN GENERAL.—If, upon the preponderance of the evidence, an administrative law judge determines that that any person or entity named in the complaint has engaged in or is engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue and cause to be served on such person or entity an order which requires such person or entity to cease and desist from such unfair immigration-related employment practice.

"(B) CONTENTS OF ORDER.—Such an order also may require the person or entity—

"(i) to comply with the requirements of section 274A(b) with respect to individuals hired (or recruited or referred for employment for a fee) during a period of up to three years;

"(ii) to retain for the period referred to in clause (i) and only for purposes consistent with section 274A(b)(6), the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee, for employment in the United States;

"(iii) to hire individuals directly and adversely affected, with or without back pay; and

"(iv)(I) except as provided in subclause (II), to pay a civil penalty of not more than $1,000 for each individual discriminated against, and

"(II) in the case of a person or entity previously subject to such an order, to pay a civil penalty of not more than $2,000 for each individual discriminated against.

"(C) LIMITATION ON BACK PAY REMEDY.—In providing a remedy under subparagraph (B)(iii), back pay liability shall not accrue from a date more than two years prior to the date of the filing of a charge with an administrative law judge. Interim earnings or amounts earnable with reasonable diligence by the individual or individuals discriminated against shall operate to reduce the back pay otherwise allowable under such paragraph. No order shall require the hiring of an individual as an employee or the payment to an individual of any back pay, if the individual was refused employment for any reason other than discrimination on account of national origin or citizenship status.

"(D) TREATMENT OF DISTINCT ENTITIES.—In applying this subsection to the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(3) ORDERS NOT FINDING VIOLATIONS.—If upon the preponderance of the evidence an administrative law judge determines that the person or entity named in the complaint has not engaged or is not engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue an order dismissing the complaint.

"(h) AWARDING OF ATTORNEYS' FEES.—In any complaint respecting an unfair immigration-related employment practice, an administrative law judge, in the judge's discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee, if the losing party's argument is without reasonable foundation in law and fact.

"(i) REVIEW OF FINAL ORDERS.—

"(1) IN GENERAL.—Not later than 60 days after the entry of such final order, any person aggrieved by such final order may seek a review of such order in the United States court of appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

"(2) FURTHER REVIEW.—Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

"(j) COURT ENFORCEMENT OF ADMINISTRATIVE ORDERS.—

"(1) IN GENERAL.—If an order of the agency is not appealed under subsection (i)(1), the Special Counsel (or, if the Special Counsel fails to act, the person filing the charge) may petition the United States district court for the district in which a violation of the order is alleged to have occurred, or in which the respondent resides or transacts business, for the enforcement of the order of the administrative law judge, by filing in such court a written petition praying that such order be enforced.

"(2) COURT ENFORCEMENT ORDER.—Upon the filing of such petition, the court shall have jurisdiction to make and enter a decree enforcing the order of the administrative law judge. In such a proceeding, the order of the administrative law judge shall not be subject to review.

"(3) ENFORCEMENT DECREE IN JUDICIAL REVIEW.—If, upon appeal of an order under subsection (i)(1), the United States court of appeals does not reverse such order, such court shall have the jurisdiction to make and enter a decree enforcing the order of the administrative law judge.

"(4) AWARDING OF ATTORNEY'S FEES.—In any judicial proceeding under subsection (i) or this subsection, the court, in its discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee as part of costs but only if the losing party's argument is without reasonable foundation in law and fact.

"(k) TERMINATION DATE.—

"(1) This section shall not apply to discrimination in hiring, recruiting, or referring of individuals occurring after the date of any termination of the provisions of section 274A, under subsection (i) of that section.

"(2) The provisions of this section shall terminate 30 calendar days after receipt of the last report required to be transmitted under section 274A(j) if—

"(A) the Comptroller General determines, and so reports in such report that—

"(i) no significant discrimination has resulted, against citizens or nationals of the United States or against any eligible workers seeking employment, from the implementation of section 274A, or

"(ii) such section has created an unreasonable burden on employers hiring such workers; and

"(B) there has been enacted, within such period of 30 calendar days, a joint resolution stating in substance that the Congress approves the findings of the Comptroller General contained in such report.".

(b) NO EFFECT ON EEOC AUTHORITY.—Except as may be specifically provided in this section, nothing in this section shall be construed to restrict the authority of the Equal Employment Opportunity Commission to investigate allegations, in writing and under oath or affirmation, of unlawful employment practices, as provided in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5), or any other authority provided therein.

(c) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 274A (as added by section 101(c)) the following new item:

"Sec. 274B. Unfair immigration-related employment practices.".

SEC. 102. FRAUD AND MISUSE OF CERTAIN IMMIGRATION-RELATED DOCUMENTS.

(a) APPLICATION TO ADDITIONAL DOCUMENTS.—Section 1546 of title 18, United States Code, is amended—

(1) by amending the heading to read as follows:

"§ 1546. Fraud and misuse of visas, permits, and other documents";

(2) by striking out "or other document required for entry into the United States" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(3) by striking out "or document" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(4) by striking out "$2,000" and inserting in lieu thereof "in accordance with this title";

(5) by inserting "(a)" before "Whoever" the first place it appears; and

(6) by adding at the end the following new subsections:

"(b) Whoever uses—

"(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor,

"(2) an identification document knowing (or having reason to know) that the document is false, or

"(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act, shall be fined in accordance with this title, or imprisoned not more than two years, or both.

"(c) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).".

(b) CLERICAL AMENDMENT.—The item relating to section 1546 in the table of sections of chapter 75 of such title is amended to read as follows:

"1546. Fraud and misuse of visas, permits, and other documents".

PART B—IMPROVEMENT OF ENFORCEMENT AND SERVICES

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR ENFORCEMENT AND SERVICE ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) TWO ESSENTIAL ELEMENTS.—It is the sense of Congress that two essential elements of the program of immigration control established by this Act are—

(1) an increase in the border patrol and other inspection and enforcement activities of the Immigration and Naturalization Service and of other appropriate Federal agencies in order to prevent and deter the illegal entry of aliens into the United States and the violation of the terms of their entry, and

(2) an increase in examinations and other service activities of the Immigration and Naturalization Service and other appropriate Federal agencies in order to ensure prompt and efficient adjudication of petitions and applications provided for under the Immigration and Nationality Act.

(b) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR INS AND EOIR.—In addition to any other amounts authorized to be appropriated, in order to carry out this Act there are authorized to be appropriated to the Department of Justice—

(1) for the Immigration and Naturalization Service, for fiscal year 1987,

$422,900,000; and for fiscal year 1988, $419,000,000; and

(2) for the Executive Office of Immigration Review, for fiscal year 1987, $12,000,000, and for fiscal year 1988, $15,000,000.

Of the amounts authorized to be appropriated under paragraph (1) sufficient funds shall be available to provide for an increase in the border patrol personnel of the Immigration and Naturalization Service so that the average level of such personnel in each of fiscal years 1987 and 1988 is at least 50 percent higher than such level for fiscal year 1986.

(c) USE OF FUNDS FOR IMPROVED SERVICES.—Of the funds appropriated to the Department of Justice for the Immigration and Naturalization Service, the Attorney General shall provide for improved immigration and naturalization services and for enhanced community outreach and in-service training of personnel of the Service. Such enhanced community outreach may include the establishment of appropriate local community taskforces to improve the working relationship between the Service and local community groups and organizations (including employers and organizations representing minorities).

(d) SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR WAGE AND HOUR ENFORCEMENT.—There are authorized to be appropriated, in addition to such sums as may be available for such purposes, such sums as may be necessary to the Department of Labor for enforcement activities of the Wage and Hour Division and the Office of Federal Contract Compliance Programs within the Employment Standards Administration of the Department in order to deter the employment of unauthorized aliens and remove the economic incentive for employers to exploit and use such aliens.

SEC. 112. CRIMINAL TRANSPORTATION OF ALIENS TO THE UNITED STATES.

(a) CRIMINAL PENALTIES.—Subsection (a) of section 274 (8 U.S.C. 1324) is amended to read as follows:

"(a) CRIMINAL PENALTIES.—(1) Any person who—

"(A) knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;

"(B) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;

"(C) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation; or

"(D) encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law,

shall be fined in accordance with title 18, United States Code, imprisoned not more than five years, or both, for each alien in respect to whom any violation of this subsection occurs.

"(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved—

"(A) be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both; or

"(B) in the case of—

"(i) a second or subsequent offense,

"(ii) an offense done for the purpose of commercial advantage or private financial gain, or

"(iii) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry,

be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.".

(b) MISCELLANEOUS AMENDMENTS TO SEIZURE AND FORFEITURE PROCEDURES.—Subsection (b) of such section is amended—

(1) in paragraph (1) before subparagraph (A) by striking out "is used" and inserting in lieu thereof "has been or is being used",

(2) by striking out "subject to seizure and" in paragraph (1) and inserting in lieu thereof "seized and subject to",

(3) by inserting "or is being" after "has been" in paragraph (3),

(4) by striking out "conveyances" in paragraph (3) and inserting in lieu thereof "property",

(5) by inserting ", or the Federal Maritime Commission if appropriate under section 2(b)(4) of the Federal Property and Administrative Services Act of 1949," in paragraph (4)(C) after "General Services Administration",

(6) in paragraph (5)—

(A) by striking out "or" at the end of subparagraph (B),

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; or", and

(C) by inserting after such subparagraph the following new subparagraph:

"(D) dispose of the conveyance in accordance with the terms and conditions of any petition of remission or mitigation of forfeiture granted by the Attorney General.",

(7) by striking out ": Provided, That" in paragraph (5) and inserting in lieu thereof ", except that",

(8) by striking out "was not lawfully entitled to enter, or reside within, the United States" in paragraph (5) and inserting in lieu thereof "had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law" each place it appears, and

(9) by inserting "or of the Department of State" in paragraph (5)(B) after "Service".

SEC. 113. IMMIGRATION EMERGENCY FUND.

Section 404 (8 U.S.C. 1101 note) is amended by inserting "(a)" after "SEC. 404." and by adding at the end the following new subsection:

"(b) There are authorized to be appropriated to an immigration emergency fund, to be established in the Treasury, $35,000,000, to be used to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in providing assistance as requested by the Attorney General in meeting an immigration emergency, except that no amounts may be withdrawn from such fund with respect to an emergency unless the President has determined that the immigration emergency exists and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate.".

SEC. 114. LIABILITY OF OWNERS AND OPERATORS OF INTERNATIONAL BRIDGES AND TOLL ROADS TO PREVENT THE UNLAWFUL LANDING OF ALIENS.

Section 271 (8 U.S.C. 1321) is amended by inserting at the end the following new subsection:

"(c)(1) Any owner or operator of a railroad line, international bridge, or toll road who establishes to the satisfaction of the Attorney General that the person has acted diligently and reasonably to fulfill the duty imposed by subsection (a) shall not be liable for the penalty described in such subsection, notwithstanding the failure of the person to prevent the unauthorized landing of any alien.

"(2)(A) At the request of any person described in paragraph (1), the Attorney General shall inspect any facility established, or any method utilized, at a point of entry into the United States by such person for the purpose of complying with subsection (a). The Attorney General shall approve any such facility or method (for such period of time as the Attorney General may prescribe) which the Attorney General determines is satisfactory for such purpose.

"(B) Proof that any person described in paragraph (1) has diligently maintained any facility, or utilized any method, which has been approved by the Attorney General under subparagraph (A) (within the period for which the approval is effective) shall be prima facie evidence that such person acted diligently and reasonably to fulfill the duty imposed by subsection (a) (within the meaning of paragraph (1) of this subsection).".

SEC. 115. ENFORCEMENT OF THE IMMIGRATION LAWS OF THE UNITED STATES.

It is the sense of the Congress that—

(1) the immigration laws of the United States should be enforced vigorously and uniformly, and

(2) in the enforcement of such laws, the Attorney General shall take due and deliberate actions necessary to safeguard the constitutional rights, personal safety, and human dignity of United States citizens and aliens.

SEC. 116. RESTRICTING WARRANTLESS ENTRY IN THE CASE OF OUTDOOR AGRICULTURAL OPERATIONS.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of this section other than paragraph (3) of subsection (a), an officer or employee of the Service may not enter without the consent of the owner (or agent thereof) or a properly executed warrant onto the premises of a farm or other outdoor agricultural operation for the purpose of interrogating a person believed to be an alien as to the person's right to be or to remain in the United States.".

SEC. 117. RESTRICTIONS ON ADJUSTMENT OF STATUS.

Section 245(c)(2) (8 U.S.C. 1255(c)(2)) is amended by inserting after "hereafter continues in or accepts unauthorized employment prior to filing an application for adjustment of status" the following: "or who is not in legal immigration status on the date of filing the application for adjustment of status or who has failed (other than through no fault of his own for technical reasons) to maintain continuously a legal status since entry into the United States".

TITLE II—LEGALIZATION

SEC. 201. LEGALIZATION OF STATUS.

(a) PROVIDING FOR LEGALIZATION PROGRAM.—(1) Chapter 5 of title II is amended by inserting after section 245 (8 U.S.C. 1255) the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN ENTRANTS BEFORE JANUARY 1, 1982, TO THAT OF PERSON ADMITTED FOR LAWFUL RESIDENCE

"SEC. 245A. (a) TEMPORARY RESIDENT STATUS.—The Attorney General shall adjust the status of an alien to that of an alien lawfully admitted for temporary residence if the alien meets the following requirements:

"(1) TIMELY APPLICATION.—

"(A) DURING APPLICATION PERIOD.—Except as provided in subparagraph (B), the alien must apply for such adjustment during the 12-month period beginning on a date (not later than 180 days after the date of enactment of this section) designated by the Attorney General.

"(B) APPLICATION WITHIN 30 DAYS OF SHOW-CAUSE ORDER.—An alien who, at any time during the first 11 months of the 12-month period described in subparagraph (A), is the subject of an order to show cause issued under section 242, must make application under this section not later than the end of the 30-day period beginning either on the first day of such 18-month period or on the date of the issuance of such order, whichever day is later.

"(C) INFORMATION INCLUDED IN APPLICATION.—Each application under this subsection shall contain such information as the Attorney General may require, including information on living relatives of the applicant with respect to whom a petition for preference or other status may be filed by the applicant at any later date under section 204(a).

"(2) CONTINUOUS UNLAWFUL RESIDENCE SINCE 1982.—

"(A) IN GENERAL.—The alien must establish that he entered the United States before January 1, 1982, and that he has resided continuously in the United States in an unlawful status since such date and through the date the application is filed under this subsection.

"(B) NONIMMIGRANTS.—In the case of an alien who entered the United States as a nonimmigrant before January 1, 1982, the alien must establish that the alien's period of authorized stay as a nonimmigrant expired before such date through the passage of time or the alien's unlawful status was known to the Government as of such date.

"(C) EXCHANGE VISITORS.—If the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien must establish that the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof.

"(3) CONTINUOUS PHYSICAL PRESENCE SINCE ENACTMENT.—

"(A) IN GENERAL.—The alien must establish that the alien has been continuously physically present in the United States since the date of the enactment of this section.

"(B) TREATMENT OF BRIEF, CASUAL, AND INNOCENT ABSENCES.— An alien shall not be considered to have failed to maintained continuous physical presence in the United States for purposes of subparagraph (A) by virtue of brief, casual, and innocent absences from the United States.

"(C) ADMISSIONS.—Nothing in this section shall be construed as authorizing an alien to apply for admission to, or to be admitted to, the United States in order to apply for adjustment of status under this subsection.

"(4) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he—

"(A) is admissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2),

"(B) has not been convicted of any felony or of three or more misdemeanors committed in the United States,

"(C) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(D) is registered or registering under the Military Selective Service Act, if the alien is required to be so registered under that Act.

For purposes of this subsection, an alien in the status of a Cuban and Haitian entrant described in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422 shall be considered to have entered the United States and to be in an unlawful status in the United States.

"(b) SUBSEQUENT ADJUSTMENT TO PERMANENT RESIDENCE AND NATURE OF TEMPORARY RESIDENT STATUS.—

"(1) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the alien meets the following requirements:

"(A) TIMELY APPLICATION AFTER ONE YEAR'S RESIDENCE.—The alien must apply for such adjustment during the one-year period beginning with the nineteenth month that begins after the date the alien was granted such temporary resident status.

"(B) CONTINUOUS RESIDENCE.—

"(i) IN GENERAL.—The alien must establish that he has continuously resided in the United States since the date the alien was granted such temporary resident status.

"(ii) TREATMENT OF CERTAIN ABSENCES.—An alien shall not be considered to have lost the continuous residence referred to in clause (i) by reason of an absence from the United States permitted under paragraph (3)(A).

"(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he—

"(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2), and

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States.

"(D) BASIC CITIZENSHIP SKILLS.—

"(i) IN GENERAL.—The alien must demonstrate that he either—

"(I) meets the requirements of section 312 (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States), or

"(II) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States.

"(ii) EXCEPTION FOR ELDERLY INDIVIDUALS.—The Attorney General may, in his discretion, waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older.

"(iii) RELATION TO NATURALIZATION EXAMINATION.—In accordance with regulations of the Attorney General, an alien who has demonstrated under clause (i)(I) that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(2) TERMINATION OF TEMPORARY RESIDENCE.—The Attorney General shall provide for termination of temporary resident status granted an alien under subsection (a)—

"(A) if it appears to the Attorney General that the alien was in fact not eligible for such status;

"(B) if the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2), or (ii) is convicted of any felony or three or more misdemeanors committed in the United States; or

"(C) at the end of the thirty-first month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (1) and such application has not been denied.

"(3) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under subsection (a)—

"(A) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to adjust to lawful permanent resident status under paragraph (1) and after brief temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need.

"(B) AUTHORIZATION OF EMPLOYMENT.—The Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an 'employment authorized' endorsement or other appropriate work permit.

"(c) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

"(1) TO WHOM MAY BE MADE.—The Attorney General shall provide that applications for adjustment of status under subsection (a) may be filed—

"(A) with the Attorney General, or

"(B) with a qualified designated entity, but only if the applicant consents to the forwarding of the application to the Attorney General.

As used in this section, the term "qualified designated entity" means an organization or person designated under paragraph (2).

"(2) DESIGNATION OF QUALIFIED ENTITIES TO RECEIVE APPLICATIONS.—For purposes of assisting in the program of legalization provided under this section, the Attorney General—

"(A) shall designate qualified voluntary organizations and other qualified State, local, and community organizations, and

"(B) may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245, Public Law 89-732, or Public Law 95-145.

"(3) TREATMENT OF APPLICATIONS BY DESIGNATED ENTITIES.—Each qualified designated entity must agree to forward to the Attorney General applications filed with it in accordance with paragraph (1)(B) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Attorney General.

"(4) LIMITATION ON ACCESS TO INFORMATION.—Files and records of qualified designated entities relating to an alien's seeking assistance or information with respect to filing an application under this section are confidential and the Attorney General and the Service shall not have access to such files or records relating to an alien without the consent of the alien.

"(5) CONFIDENTIALITY OF INFORMATION.—Neither the Attorney General, nor any other official or employee of the Department of Justice, or bureau or agency thereof, may—

"(A) use the information furnished pursuant to an application filed under this section for any purpose other than to make a determination on the application or for enforcement of paragraph (6),

"(B) make any publication whereby the information furnished by any particular individual can be identified, or

"(C) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with respect to applications filed with a designated entity, that designated entity, to examine individual applications.

Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(6) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—Whoever files an application for adjustment of status under this section and knowingly and willfully falsifies, misrepresents, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(7) APPLICATION FEES.—

"(A) FEE SCHEDULE.—The Attorney General shall provide for a schedule of fees to be charged for the filing of applications for adjustment under subsection (a) or (b)(1).

"(B) USE OF FEES.—The Attorney General shall deposit payments received under this paragraph in a separate account and amounts in such account shall be available, without fiscal year limitation, to cover administrative and other expenses incurred in connection with the review of applications filed under this section.

"(d) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.—

"(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

"(2) WAIVER OF GROUNDS FOR EXCLUSION.—In the determination of an alien's admissibility under subsections (a)(4)(A), (b)(1)(C)(i), and (b)(2)(B)—

"(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

"(B) WAIVER OF OTHER GROUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under clause (i):

"(I) Paragraphs (2) and (10) (relating to criminals).

"(II) Paragraph (15) (relating to aliens likely to become public charges) insofar as it relates to an application for adjustment to permanent residence by an alien other than an alien who is eligible for benefits under title XVI of the Social Security Act or section 212 of Public Law 93-66 for the month in which such alien is granted lawful temporary resident status under subsection (a).

"(III) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(IV) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(V) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(iii) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without receipt of public cash assistance.

"(C) MEDICAL EXAMINATION.—The alien shall be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

"(e) TEMPORARY STAY OF DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

"(1) BEFORE APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(A) and who can establish a prima facie case of eligibility to have his status adjusted under subsection (a) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

"(A) may not be deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(2) DURING APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who presents a prima facie application for adjustment of status under subsection (a) during the application period, and until a final determination on the application has been made in accordance with this section, the alien—

"(A) may not be deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(f) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE AND JUDICIAL REVIEW.—There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) NO REVIEW FOR LATE FILINGS.—No denial of adjustment of status under this section based on a late filing of an application for such adjustment may be reviewed by a court of the United States or of any State or reviewed in any administrative proceeding of the United States Government.

"(3) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of a determination described in paragraph (2).

"(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

"(3) JUDICIAL REVIEW.—

"(A) LIMITATION TO REVIEW OF DEPORTATION.—There shall be judicial review of such a denial only in the judicial review of an order of deportation under section 106.

"(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

"(g) IMPLEMENTATION OF SECTION.—

"(1) REGULATIONS.—The Attorney General, after consultation with the Committees on the Judiciary of the House of Representatives and of the Senate, shall prescribe—

"(A) regulations establishing a definition of the term 'resided continuously', as used in this section, and the evidence needed to establish that an alien has resided continuously in the United States for purposes of this section, and

"(B) such other regulations as may be necessary to carry out this section.

"(2) CONSIDERATIONS.—In prescribing regulations described in paragraph (1)(A)—

"(A) PERIODS OF CONTINUOUS RESIDENCE.—The Attorney General shall specify individual periods, and aggregate periods, of absence from the United States which will be considered to break a period of continuous residence in the United States and shall take into account absences due merely to brief and casual trips abroad.

"(B) ABSENCES CAUSED BY DEPORTATION OR ADVANCED PAROLE.—The Attorney General shall provide that—

"(i) an alien shall not be considered to have resided continuously in the United States if, during any period for which continuous residence is required, the alien was outside the United States as a result of a departure under an order of deportation, and

"(ii) any period of time during which an alien is outside the United States pursuant to the advance parole procedures of the Service shall not be considered as part of the period of time during which an alien is outside the United States for purposes of this section.

"(C) WAIVER OF CERTAIN ABSENCES.—The Attorney General may provide for a waiver, in the discretion of the Attorney General, of the periods specified under subparagraph (A) in the case of an absence from the United States due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien.

"(D) USE OF CERTAIN DOCUMENTATION.—The Attorney General shall require that—

"(i) continuous residence and physical presence in the United States must be established through documents, together with independent corroboration of the information contained in such documents, and

"(ii) the documents provided under clause (i) be employment-related if employment-related documents with respect to the alien are available to the applicant.

"(3) INTERIM FINAL REGULATIONS.—Regulations prescribed under this section may be prescribed to take effect on an interim final basis if the Attorney General determines that this is necessary in order to implement this section in a timely manner.

"(h) TEMPORARY DISQUALIFICATION OF NEWLY LEGALIZED ALIENS FROM RECEIVING CERTAIN PUBLIC WELFARE ASSISTANCE.—

"(1) IN GENERAL.—During the five-year period beginning on the date an alien was granted lawful temporary resident status under subsection (a), and notwithstanding any other provision of law—

"(A) except as provided in paragraphs (2) and (3), the alien is not eligible for—

"(i) any program of financial assistance furnished under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government (but in any event including the program of aid to families with dependent children under part A of title IV of the Social Security Act),

"(ii) medical assistance under a State plan approved under title XIX of the Social Security Act, and

"(iii) assistance under the Food Stamp Act of 1977; and

"(B) a State or political subdivision therein may, to the extent consistent with subparagraph (A) and paragraphs (2) and (3), provide that the alien is not eligible for the programs of financial assistance or for medical assistance described in subparagraph (A)(ii) furnished under the law of that State or political subdivision.

Unless otherwise specifically provided by this section or other law, an alien in temporary lawful residence status granted under subsection (a) shall not be considered (for purposes of any law of a State or political subdivision providing for a program of financial assistance) to be permanently residing in the United States under color of law.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply—

"(A) to a Cuban and Haitian entrant (as defined in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422, as in effect on April 1, 1983), or

"(B) in the case of assistance (other than aid to families with dependent children) which is furnished to an alien who is an aged, blind, or disabled individual (as defined in section 1614(a)(1) of the Social Security Act).

"(3) RESTRICTED MEDICAID BENEFITS.—

"(A) CLARIFICATION OF ENTITLEMENT.—Subject to the restrictions under subparagraph (B), for the purpose of providing aliens with eligibility to receive medical assistance—

"(i) paragraph (1) shall not apply,

"(ii) aliens who would be eligible for medical assistance but for the provisions of paragraph (1) shall be deemed, for purposes of title XIX of the Social Security Act, to be so eligible, and

"(iii) aliens lawfully admitted for temporary residence under this section, such status not having changed, shall be considered to be permanently residing in the United States under color of law.

"(B) RESTRICTION OF BENEFITS.—

"(i) LIMITATION TO EMERGENCY SERVICES AND SERVICES FOR PREGNANT WOMEN.—Notwithstanding any provision of title XIX of the Social Security Act (including subparagraphs (B) and (C) of section 1902(a)(10) of such Act), aliens who, but for subparagraph (A), would be ineligible for medical assistance under paragraph (1), are only eligible for such assistance with respect to—

"(I) emergency services (as defined for purposes of section 1916(a)(2)(D) of the Social Security Act), and

"(II) services described in section 1916(a)(2)(B) of such Act (relating to service for pregnant women).

"(ii) NO RESTRICTION FOR EXEMPT ALIENS AND CHILDREN.—The restrictions of clause (i) shall not apply to aliens who are described in paragraph (2) or who are under 18 years of age.

"(C) DEFINITION OF MEDICAL ASSISTANCE.—In this paragraph, the term 'medical assistance' refers to medical assistance under a State plan approved under title XIX of the Social Security Act.

"(4) TREATMENT OF CERTAIN PROGRAMS.—Assistance furnished under any of the following provisions of law shall not be construed to be financial assistance described in paragraph (1)(A)(i):

"(A) The National School Lunch Act.

"(B) The Child Nutrition Act of 1966.

"(C) the Vocational Education Act of 1963.

"(D) Chapter 1 of the Education Consolidation and Improvement Act of 1981.

"(E) The Headstart-Follow Through Act.

"(F) The Job Training Partnership Act.

"(G) Title IV of the Higher Education Act of 1965.

"(H) The Public Health Service Act.

"(I) Titles V, XVI, and XX, and parts B, D, and E of title IV, of the Social Security Act (and titles I, X, XIV, and XVI of such Act as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972).

"(5) ADJUSTMENT NOT AFFECTING PASCELL-STONE BENEFITS.—For the purpose of section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-122), assistance shall be continued under such section with respect to an alien without regard to the alien's adjustment of status under this section.

"(i) DISSEMINATION OF INFORMATION ON LEGALIZATION PROGRAM.—Beginning not later than the date designated by the Attorney General under subsection (a)(1)(A), the Attorney General, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits which aliens may receive under this section and the requirements to obtain such benefits.".

(2) The table of contents for chapter 5 of title II is amended by inserting after the item relating to section 245 the following new item:

"Sec. 245A. Adjustment of status of certain entrants before January 1, 1982, to that of person admitted for lawful residence.".

(b) CONFORMING AMENDMENTS.—(1) Section 402 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(f)(1) For temporary disqualification of certain newly legalized aliens from receiving aid to families with dependent children, see subsection (h) of section 245A of the Immigration and Nationality Act.

"(2) In any case where an alien disqualified from receiving aid under such subsection (h) is the parent of a child who is not so disqualified and who (without any adjustment of status under such section 245A) is considered a dependent child under subsection (a)(33), or is the brother or sister of such a child, subsection (a)(38) shall not apply, and the needs of such alien shall not be taken into account in making the determination under subsection (a)(7) with respect to such child, but the income of such alien (if he or she is the parent of such child) shall be included in making such determination to the same extent that income of a stepparent is included under subsection (a)(31).".

(2)(A) Section 472(a) of such Act is amended by adding at the end thereof (after and below paragraph (4)) the following new sentence:

"In any case where the child is an alien disqualified under section 245A(h) of the Immigration and Nationality Act from receiving aid under the State plan approved under section 402 in or for the month in which such agreement was entered into or court proceedings leading to the removal of the child from the home were instituted, such child shall be considered to satisfy the requirements of paragraph (4) (and the corresponding requirements of section 473(a)(1)(B)), with respect to that month, if he or she would have satisfied such requirements but for such disqualification.".

(B) Section 473(a)(1) of such Act is amended by adding at the end thereof (after and below subparagraph (C)) the following new sentence:

"The last sentence of section 472(a) shall apply, for purposes of subparagraph (B), in any case where the child is an alien described in that sentence.".

(c) MISCELLANEOUS PROVISIONS.—

(1) PROCEDURES FOR PROPERTY ACQUISITION OR LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend from the appropriation provided for the administration and enforcement of the Immigration and Nationality Act, such amounts as may be necessary for the leasing or acquisition of property in the fulfillment of this section. This authority shall end two years after the effective date of the legalization program.

(2) USE OF RETIRED FEDERAL EMPLOYEES.—Notwithstanding any other provision of law, the retired or retainer pay of a member or former member of the Armed Forces of the United States or the annuity of a retired employee of the Federal Government who retired on or before January 1, 1986, shall not be reduced while such individual is temporarily employed by the Immigration and Naturalization Service for a period of not to exceed 18 months to perform duties in connection with the adjustment of status of aliens under this section. The Service shall not temporarily employ more than 300 individuals under this paragraph. Notwithstanding any other provision of law, the annuity of a retired employee of the Federal Government shall not be increased or redetermined under chapter 83 or 84 of title 5, United States Code, as a result of a period of temporary employment under this paragraph.

SEC. 202. CUBAN-HAITIAN ADJUSTMENT.

(a) ADJUSTMENT OF STATUS.—The status of any alien described in subsection (b) may be adjusted by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (14), (15), (16), (17), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since January 1, 1982.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien—

(1) who has received an immigration designation as a Cuban/Haitian Entrant (Status Pending) as of the date of the enactment of this Act, or

(2) who is a national of Cuba or Haiti, who arrived in the United States before January 1, 1982, with respect to whom any record was established by the Immigration and Naturalization Service before January 1, 1982, and who (unless the alien filed an application for asylum with the Immigra-

tion and Naturalization Service before January 1, 1982) was not admitted to the United States as a nonimmigrant.

(c) NO AFFECT ON FASCELL-STONE BENEFITS.—An alien who, as of the date of the enactment of this Act, is a Cuban and Haitian entrant for the purpose of section 501 of Public Law 96-422 shall continue to be considered such an entrant for such purpose without regard to any adjustment of status effected under this section.

(d) RECORD OF PERMANENT RESIDENCE AS OF JANUARY 1, 1982.—Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of January 1, 1982.

(e) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act and the Attorney General shall not be required to charge the alien any fee.

(f) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

SEC. 304. UPDATING REGISTRY DATE TO JANUARY 1, 1972.

(a) IN GENERAL.—Section 249 (8 U.S.C. 1259) is amended—

(1) by striking out "JUNE 30, 1948" in the heading and inserting in lieu thereof "JANUARY 1, 1972", and

(2) by striking out "June 30, 1948" in paragraph (a) and inserting in lieu thereof "January 1, 1972".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The item in the table of contents relating to section 249 is amended by striking out "June 30, 1948", and inserting in lieu thereof "January 1, 1972".

(c) CLARIFICATION.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act shall not apply to aliens provided lawful permanent resident status under section 249 of that Act.

SEC. 305. STATE LEGALIZATION IMPACT ASSISTANCE GRANTS.

(a) APPROPRIATION OF FUNDS.—

(1) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to carry out this section (and including Federal, State, and local administrative costs) $1,000,000,000 (less the amount described in paragraph (2)) for fiscal year 1988 and for each of the three succeeding fiscal years.

(2) OFFSET.—

(A) IN GENERAL.—Subject to subparagraphs (B) through (D), the amount described in this paragraph for a fiscal year is equal to the amount estimated to be expended by the Federal Government in the fiscal year for the programs of financial assistance, medical assistance, and assistance under the Food Stamp Act of 1977 for aliens who would not be eligible for such assistance under paragraph (1)(A) of section 245A(h) of the Immigration and Nationality Act but for the provisions of paragraph (2) or paragraph (3) of such section.

(B) NO OFFSET FOR CERTAIN SSI ELIGIBLE INDIVIDUALS.—The amount described in this paragraph shall not include any amounts attributable to supplemental security benefits paid under title XVI of the Social Security Act or medical assistance furnished under a State plan approved under title XIX of the Social Security Act, in the case of an alien who is determined by the Secretary of Health and Human Services, based on an application for benefits under title XVI of the Social Security Act or section 212 of Public Law 93-66 filed prior to the date designated by the Attorney General in accordance with section 245A(a)(1)(A) of the Immigration and Nationality Act, to be permanently residing in the United States under color of law as provided in section 1614(a)(1)(B)(i) of the Social Security Act and to be eligible to receive such benefits for the month prior to the month in which such date occurs, for such time as such alien continues without interruption to be eligible to receive such benefits in accordance with the provisions of title XVI of the Social Security Act or section 212 of Public Law 93-66, as appropriate.

(C) ESTIMATED INITIAL OFFSET.—For purposes of subparagraph (A), with respect to fiscal year 1988, the amount estimated to be expended is equal to $70,000,000. For subsequent fiscal years, the amount estimated to be expended shall be such estimate as is contained in the annual fiscal budget submitted for that year to the Congress by the President.

(D) ADJUSTMENT FOR ESTIMATES.—If the actual amount of expenditures by the Federal Government described in subparagraph (A) for a fiscal year exceeds, or is less than, the amount estimated to be expended for that year under subparagraph (C) for that year (taking into account any adjustment under this subparagraph), then for the subsequent fiscal year the amount described in this paragraph shall be decreased, or increased, respectively, by the amount of such excess or deficit for that previous fiscal year.

(b) ENTITLEMENT OF STATES.—(1) From the sums appropriated under subsection (a) for a fiscal year (less the amount reserved for Federal administrative costs), the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall allot to each State with an application approved under subsection (d)(1) an amount determined in accordance with a formula, established by the Secretary by regulation, which takes into account—

(A) the number of eligible legalized aliens (as defined in subsection (j)(4)) residing in the State in that fiscal year;

(B) the ratio of the number of eligible legalized aliens in the State to the total number of residents of that State and to the total number of such aliens in all the States in that fiscal year;

(C) the amount of expenditures the State is likely to incur in that fiscal year in providing assistance for eligible legalized aliens for which reimbursement or payment may be made under this section;

(D) the ratio of the amount of such expenditures in the State to the total of all such expenditures in all the States;

(E) adjustments for the difference in previous years between the State's actual expenditures (described in subparagraph (C)) incurred and the allocation provided the State under this section for those years; and

(F) such other factors as the Secretary deems appropriate to provide for an equitable distribution of such amounts.

(2) To the extent that all the funds appropriated under this section for a fiscal year are not otherwise allotted to States either because all the States have not qualified for such allotments under this section for the fiscal year or because some States have indicated in their description of activities that they do not intend to use, in that fiscal year or the succeeding fiscal year, the full amount of such allotments, such excess shall be allotted among the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.

(3) In determining the number of eligible legalized aliens for purposes of paragraph (1)(A), the Secretary may estimate such number on the basis of such data as he may deem appropriate.

(4) For each fiscal year the Secretary shall make payments, as provided by section 6503 of title 31, United States Code, to each State from its allotment under this subsection. Any amount paid to a State for any of the following fiscal years and remaining unobligated at the end of such year shall remain available to such State for the purposes for which it was made in subsequent fiscal years, but shall not remain available after September 30, 1994.

(c) PROVIDING ASSISTANCE.—(1) Of the amounts allotted to a State under this section, the State may only use such funds, in accordance with this section—

(A) for reimbursement of the costs of programs of public assistance provided with respect to eligible legalized aliens, for which such aliens were not disqualified under section 245A(h) of the Immigration and Nationality Act at the time of such assistance,

(B) for reimbursement of the costs of programs of public health assistance provided to any alien who is, or is applying on a timely basis under section 245A(a) of such Act to become, an eligible legalized alien, and

(C) to make payments to State educational agencies for the purpose of assisting local educational agencies of that State in providing educational services for eligible legalized aliens.

Subject to paragraph (2), the State may select the distribution of the use of such funds among such purposes.

(2)(A) Subject to subparagraphs (B) and (C), of the amounts allotted to a State under this section in any fiscal year, 10 percent shall be used by the State for reimbursement under paragraph (1)(A), 10 percent shall be used by the State for reimbursement under paragraph (1)(B), and 10 percent shall be used by the State for payments under paragraph (1)(C).

(B) If a State does not require the use of the full 10 percent provided under subparagraph (A) for a particular function described in a subparagraph of paragraph (1) for a fiscal year, the unused portion shall be equally distributed among the two other subparagraphs.

(C) In no case shall the funds provided under this section be used to provide reimbursement for more than 100 percent of the costs described in paragraph (1)(A) or (1)(B).

(3) To the extent that a State provides for the use of funds for the purpose described in paragraph (1)(C), the definitions and provisions of the Emergency Immigrant Education Act of 1984 (title VI of Public Law 98-511; 20 U.S.C. 4101 et seq.) shall apply to payments under such paragraph in the same manner as they apply to payments under that Act, except that, in applying this paragraph—

(A) any reference in such Act to "immigrant children" shall be deemed to be a refer-

ence to "eligible legalized aliens" (including such aliens who are over 16 years of age) during the 60-month period beginning with the first month in which such an alien is granted temporary lawful residence under section 245A(a) of the Immigration and Nationality Act.

(3) in determining the amount of payment with respect to eligible legalized aliens who are over 16 years of age, the phrase "described under paragraph (2)" shall be deemed to be stricken from section 606(b)(1)(A) of such Act (20 U.S.C. 4176(b)(1)(A));

(C) the State educational agency may provide such educational services to adult eligible legalized aliens through local educational agencies and other public and private nonprofit organizations, including community-based organizations of demonstrated effectiveness; and

(D) such services may include English language and other programs designed to enable such aliens to attain the citizenship skills described in section 245A(b)(1)(D)(i) of the Immigration and Nationality Act.

(d) STATEMENTS AND ASSURANCES.—(1) No State is eligible for payment under subsection (b) unless the State—

(A) has filed with, and had approved by, the Secretary an application containing such information, including the information described in paragraph (2) and criteria for and administrative methods of disbursing funds received under this section, as the Secretary determines to be necessary to carry out this section, and

(B) transmits to the Secretary a statement of assurances that certifies that (i) funds allocated to the State under this section will only be used to carry out the purposes described in subsection (c)(1), (ii) the State will provide a fair method (as determined by the State) for the allocation of funds among State and local agencies in accordance with paragraph (2) and subsection (c)(2), and (iii) fiscal control and fund accounting procedures will be established that are adequate to meet the requirements of paragraph (3) and subsections (e) and (f).

(2) The application of each State under this subsection for each fiscal year must include detailed information on—

(A) the number of eligible legalized aliens residing in the State, and

(B) the costs (excluding any such costs otherwise paid from Federal funds) which the State and each locality is likely to incur for the purposes described in subsection (c)(1).

(e) REPORTS AND AUDITS.—(1)(A) Each State shall prepare and submit to the Secretary annual reports on its activities under this section. In order to properly evaluate and to compare the performance of different States assisted under this section and to assure the proper expenditure of funds under this section, such reports shall be in such form and contain such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary—

(i) to secure an accurate description of those activities,

(ii) to secure a complete record of the purposes for which funds were spent, and of the recipients of such funds, and

(iii) to determine the extent to which funds were expended consistent with this section.

Copies of the report shall be provided, upon request, to any interested public agency, and each such agency may provide its views on these reports to the Congress.

(B) The Secretary shall annually report to the Congress on activities funded under this section and shall provide for transmittal of a copy of such report to each State.

(2)(A) For requirements relating to audits of funds received by a State under this section, see chapter 75 of title 31, United States Code (relating to requirements for single audit).

(B) Each State shall repay to the United States amounts ultimately found not to have been expended in accordance with this section, or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this section.

(C) The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any State which is not using its allotment under this section in accordance with this section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(3) The State shall make copies of the reports and audits required by this subsection available for public inspection within the State.

(4)(A) For the purpose of evaluating and reviewing the assistance provided under this section, the Secretary and the Comptroller General shall have access to any books, accounts, records, correspondence, or other documents that are related to such assistance, and that are in the possession, custody, or control of States, political subdivisions thereof, or any of their grantees.

(B) In conjunction with an evaluation or review under subparagraph (A), no State or political subdivision thereof (or grantee of either) shall be required to create or prepare new records to comply with subparagraph (A).

(f) LIMITATION ON PAYMENTS.—(1) Payment under this section shall not be made for costs to the extent the costs are otherwise reimbursed or paid for under other Federal programs.

(2) Payment may only be made to a State with respect to costs for assistance of a program of public assistance or a program of public health assistance generally to the extent such assistance is otherwise generally available under such programs to citizens residing in the State.

(g) CRIMINAL PENALTIES FOR FALSE STATEMENTS.—Whoever—

(1) knowingly and willfully makes or causes to be made any false statement or misrepresentation of a material fact in connection with the furnishing of assistance or services for which payment may be made by a State from funds allotted to the State under this section, or

(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized,

shall be fined in accordance with title 18, United States Code, imprisoned for not more than five years, or both.

(h) ANTI-DISCRIMINATION PROVISION.—(1)(A) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this section are considered to be programs and activities receiving Federal financial assistance.

(B) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this section.

(2) Whenever the Secretary finds that a State or locality which has been provided payment from an allotment under this section has failed to comply with a provision of law referred to in paragraph (1)(A), with paragraph (1)(B), or with an applicable regulation (including one prescribed to carry out paragraph (1)(B)), he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted,

(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable, or

(C) take such other action as may be provided by law.

(3) When a matter is referred to the Attorney General pursuant to paragraph (2)(A), or whenever he has reason to believe that the entity is engaged in a pattern or practice in violation of a provision of law referred to in paragraph (1)(A) or in violation of paragraph (1)(B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(i) CONSULTATION WITH STATE AND LOCAL OFFICIALS.—In establishing regulations and guidelines to carry out this section, the Secretary shall consult with representatives of State and local governments.

(j) DEFINITIONS.—For purposes of this section:

(1) The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

(2) The term "programs of public assistance" means programs in a State or local jurisdiction which—

(A) provide for cash, medical, or other assistance (as defined by the Secretary) designed to meet the basic subsistence or health needs of individuals,

(B) are generally available to needy individuals residing in the State or locality, and

(C) receive funding from units of State or local government.

(3) The term "programs of public health assistance" means programs in a State or local jurisdiction which—

(A) provide public health services, including immunizations for immunizable diseases, testing and treatment for tuberculosis and sexually-transmitted diseases, and family planning services,

(B) are generally available to needy individuals residing in the State or locality, and

(C) receive funding from units of State or local government.

(4) The term "eligible legalized alien" means an alien who has been granted lawful temporary resident status under section 245A of the Immigration and Nationality Act, but only until the end of the five-year period beginning on the date the alien was granted such status.

TITLE III—REFORM OF LEGAL IMMIGRATION

PART A—TEMPORARY AGRICULTURAL WORKERS

SEC. 301. H-2A AGRICULTURAL WORKERS.

(a) PROVIDING NEW "H-2A" NONIMMIGRANT CLASSIFICATION FOR TEMPORARY AGRICULTURAL LABOR.—Paragraph (15)(H) of section 101(a) (8 U.S.C. 1101(a)) is amended by striking

out "to perform temporary services or labor." in clause (ii) and inserting in lieu thereof "(a) to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in section 3121(g) of the Internal Revenue Code of 1954 and agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), of a temporary or seasonal nature, or (b) to perform other temporary service or labor".

(b) INVOLVEMENT OF DEPARTMENTS OF LABOR AND AGRICULTURE IN H-2A PROGRAM.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following: "For purposes of this subsection with respect to nonimmigrants described in section 101(a)(15)(H)(ii)(a), the term 'appropriate agencies of Government' means the Department of Labor and includes the Department of Agriculture. The provisions of section 216 shall apply to the question of importing any alien as a nonimmigrant under section 101(a)(15)(H)(ii)(a).".

(c) ADMISSION OF H-2A WORKERS.—Chapter 2 of title II is amended by adding after section 215 the following new section:

"ADMISSION OF TEMPORARY H-2A WORKERS

"SEC. 216. (a) CONDITIONS FOR APPROVAL OF H-2A PETITIONS.—(1) A petition to import an alien as an H-2A worker (as defined in subsection (i)(2)) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

"(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition, and

"(B) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

"(2) The Secretary of Labor may require by regulation, as a condition of issuing the certification, the payment of a fee to recover the reasonable costs of processing applications for certification.

"(b) CONDITIONS FOR DENIAL OF LABOR CERTIFICATION.—The Secretary of Labor may not issue a certification under subsection (a) with respect to an employer if the conditions described in that subsection are not met or if any of the following conditions are met:

"(1) There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2)(A) The employer during the previous two-year period employed H-2A workers and the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer at any time during that period substantially violated a material term or condition of the labor certification with respect to the employment of domestic or nonimmigrant workers.

"(B) No employer may be denied certification under subparagraph (A) for more than three years for any violation described in such subparagraph.

"(3) The employer has not provided the Secretary with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(4) The Secretary determines that the employer has not made positive recruitment efforts within a multi-state region of traditional or expected labor supply where the Secretary finds that there are a significant number of qualified United States workers who, if recruited, would be willing to make themselves available for work at the time and place needed. Positive recruitment under this paragraph is in addition to, and shall be conducted within the same time period as, the circulation through the interstate employment service system of the employer's job offer. The obligation to engage in positive recruitment under this paragraph shall terminate on the date the H-2A workers depart for the employer's place of employment.

"(c) SPECIAL RULES FOR CONSIDERATION OF APPLICATIONS.—The following rules shall apply in the case of the filing and consideration of an application for a labor certification under this section:

"(1) DEADLINE FOR FILING APPLICATIONS.—The Secretary of Labor may not require that the application be filed more than 60 days before the first date the employer requires the labor or services of the H-2A worker.

"(2) NOTICE WITHIN SEVEN DAYS OF DEFICIENCIES.—(A) The employer shall be notified in writing within seven days of the date of filing if the application does not meet the standards (other than that described in subsection (a)(1)(A)) for approval.

"(B) If the application does not meet such standards, the notice shall include the reasons therefor and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.

"(3) ISSUANCE OF CERTIFICATION.—(A) The Secretary of Labor shall make, not later than 28 days before the date such labor or services are first required to be performed, the certification described in subsection (a)(1) if—

"(i) the employer has complied with the criteria for certification (including criteria for the recruitment of eligible individuals as prescribed by the Secretary), and

"(ii) the employer does not actually have, or has not been provided with referrals of, qualified eligible individuals who have indicated their availability to perform such labor or services on the terms and conditions of a job offer which meets the requirements of the Secretary.

In considering the question of whether a specific qualification is appropriate in a job offer, the Secretary shall apply the normal and accepted qualifications required by non-H-2A employers in the same or comparable occupations and crops.

"(B)(i) For a period of 3 years subsequent to the effective date of this section, labor certifications shall remain effective only if, from the time the foreign worker departs for the employer's place of employment, the employer will provide employment to any qualified United States worker who applies to the employer until 50 percent of the period of the work contract, under which the foreign worker who is in the job was hired, has elapsed. In addition, the employer will offer to provide benefits, wages and working conditions required pursuant to this section and regulations.

"(ii) The requirement of clause (i) shall not apply to any employer who—

"(I) did not, during any calendar quarter during the preceding calendar year, use more than 500 man-days of agricultural labor, as defined in section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)),

"(II) is not a member of an association which has petitioned for certification under this section for its members, and

"(III) has not otherwise associated with other employers who are petitioning for temporary foreign workers under this section.

"(iii) Six months before the end of the 3-year period described in clause (i), the Secretary of Labor shall consider the findings of the report mandated by section 403(a)(4)(D) of the Immigration Reform and Control Act of 1986 as well as other relevant materials, including evidence of benefits to United States workers and costs to employers, addressing the advisability of continuing a policy which requires an employer, as a condition for certification under this section, to continue to accept qualified, eligible United States workers for employment after the date the H-2A workers depart for work with the employer. The Secretary's review of such findings and materials shall lead to the issuance of findings in furtherance of the Congressional policy that aliens not be admitted under this section unless there are not sufficient workers in the United States who are able, willing, and qualified to perform the labor or service needed and that the employment of the aliens in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed. In the absence of the enactment of Federal legislation prior to three months before the end of the 3-year period described in clause (i) which addresses the subject matter of this subparagraph, the Secretary shall immediately publish the findings required by this clause, and shall promulgate, on an interim or final basis, regulations based on his findings which shall be effective no later than three years from the effective date of this section.

"(iv) In complying with clause (i) of this subparagraph, an association shall be allowed to refer or transfer workers among its members: Provided, That for purposes of this section an association acting as an agent for its members shall not be considered a joint employer merely because of such referral or transfer.

"(v) United States workers referred or transferred pursuant to clause (iv) of this subparagraph shall not be treated disparately.

"(vi) An employer shall not be liable for payments under section 655.202(b)(6) of title 20, Code of Federal Regulations (or any successor regulation) with respect to an H-2A worker who is displaced due to compliance with the requirement of this subparagraph, if the Secretary of Labor certifies that the H-2A worker was displaced because of the employer's compliance with clause (i) of this subparagraph.

"(vii)(I) No person or entity shall willfully and knowingly withhold domestic workers prior to the arrival of H-2A workers in order to force the hiring of domestic workers under clause (i).

"(II) Upon the receipt of a complaint by an employer that a violation of subclause (I) has occurred the Secretary shall immediately investigate. He shall within 36 hours of the receipt of the complaint issue findings concerning the alleged violation. Where the Secretary finds that a violation has occurred, he shall immediately suspend the application of clause (i) of this subparagraph with respect to that certification for that date of need.

"(4) HOUSING.—Employers shall furnish housing in accordance with regulations. The employer shall be permitted at the employer's option to provide housing meeting applicable Federal standards for temporary labor camps or to secure housing which meets the local standards for rental and/or public accomodations or other substantially similar class of habitation: Provided, That in the absence of applicable local standards, State standards for rental and/or public accomodations or other substantially similar class of habitation shall be met: Provided

further. That in the absence of applicable local or State standards, Federal temporary labor camp standards shall apply: Provided further, That the Secretary of Labor shall issue regulations which address the specific requirements of housing for employees principally engaged in the range production of livestock: Provided further, That when it is the prevailing practice in the area and occupation of intended employment to provide family housing, family housing shall be provided to workers with families who request it: And provided further, That nothing in this paragraph shall require an employer to provide or secure housing for workers who are not entitled to it under the temporary labor certification regulations in effect on June 1, 1986.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a temporary agricultural worker, and an application for a labor certification with respect to such a worker, may be filed by an association of agricultural producers which use agricultural services.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint or sole employer of temporary agricultural workers, the certifications granted under this section to the association may be used for the certified job opportunities of any of its producer members and such workers may be transferred among its producer members to perform agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual producer member of a joint employer association is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the member, the denial shall apply only to that member of the association unless the Secretary determines that the association or other member participated in, had knowledge of, or reason to know of, the violation.

"(B) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—(i) If an association representing agricultural producers as a joint employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, the denial shall apply only to the association and does not apply to any individual producer member of the association unless the Secretary determines that the member participated in, had knowledge of, or reason to know of, the violation.

"(ii) If an association of agricultural producers certified as a sole employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, no individual producer member of such association may be the beneficiary of the services of temporary alien agricultural workers admitted under this section in the commodity and occupation in which such aliens were employed by the association which was denied certification during the period such denial is in force, unless such producer member employs such aliens in the commodity and occupation in question directly or through an association which is a joint employer of such workers with the producer member.

"(e) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—(1) Regulations shall provide for an expedited procedure for the review of a denial of certification under subsection (a)(1) or a revocation of such a certification or, at the applicant's request, for a de novo administrative hearing respecting the denial or revocation.

"(2) The Secretary of Labor shall expeditiously, but in no case later than 72 hours after the time a new determination is requested, make a new determination on the request for certification in the case of an H-2A worker if able, willing, and qualified eligible individuals are not actually available at the time such labor or services are required and a certification was denied in whole or in part because of the availability of qualified workers. If the employer asserts that any eligible individual who has been referred is not able, willing, or qualified, the burden of proof is on the employer to establish that the individual referred is not able, willing, or qualified because of employment-related reasons.

"(f) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a temporary agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

"(g) AUTHORIZATIONS OF APPROPRIATIONS.—(1) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, $10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in section 101(a)(15)(H)(ii)(a), and

"(B) of monitoring terms and conditions under which such nonimmigrants (and domestic workers employed by the same employers) are employed in the United States.

"(2) The Secretary of Labor is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(3) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purpose of enabling the Secretary of Labor to make determinations and certifications under this section and under section 212(a)(14).

"(4) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under this section.

"(h) MISCELLANEOUS PROVISIONS.—(1) The Attorney General shall provide for such endorsement of entry and exit documents of nonimmigrants described in section 101(a)(15)(H)(ii) as may be necessary to carry out this section and to provide notice for purposes of section 274A.

"(2) The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

"(i) DEFINITIONS.—For purposes of this section:

"(1) The term 'eligible individual' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A(g)) with respect to that employment.

"(2) The term 'H-2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).".

(d) EFFECTIVE DATE.—The amendments made by this section apply to petitions and applications filed under sections 214(c) and 218 of the Immigration and Nationality Act on or after the first day of the seventh month beginning after the date of the enactment of this Act (hereinafter in this section referred to as the "effective date").

(e) REGULATIONS.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(H)(ii)(a) and 218 of the Immigration and Nationality Act. Notwithstanding any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

(f) SENSE OF CONGRESS RESPECTING CONSULTATION WITH MEXICO.—It is the sense of Congress that the President should establish an advisory commission which shall consult with the Governments of Mexico and of other appropriate countries and advise the Attorney General regarding the operation of the alien temporary worker program established under section 218 of the Immigration and Nationality Act.

(g) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 215 the following new item:

"Sec. 216. Admission of temporary H-2A workers.".

SEC. 301. LAWFUL RESIDENCE FOR CERTAIN SPECIAL AGRICULTURAL WORKERS.

(a) IN GENERAL.—(1) Chapter 1 of title II is amended by adding at the end the following new section:

"SPECIAL AGRICULTURAL WORKERS

"SEC. 210. (a) LAWFUL RESIDENCE.—

"(1) IN GENERAL.—The Attorney General shall adjust the status of an alien to that of an alien lawfully admitted for temporary residence if the Attorney General determines that the alien meets the following requirements:

"(A) APPLICATION PERIOD.—The alien must apply for such adjustment during the 12-month period beginning on the first day of the seventh month that begins after the date of enactment of this section.

"(B) PERFORMANCE OF SEASONAL AGRICULTURAL SERVICES AND RESIDENCE IN THE UNITED STATES.—The alien must establish that he has—

"(i) resided in the United States, and

"(ii) performed seasonal agricultural services in the United States for at least 90 man-days,

during the 12-month period ending on May 1, 1986. For purposes of the previous sentence, performance of seasonal agricultural services in the United States for more than one employer on any one day shall be counted as performance of services for only 1 man-day.

"(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he is admissible to the United States as an immigrant, except as otherwise provided under subsection (e)(2).

"(2) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under paragraph (1) to that of an alien lawfully admitted for permanent residence on the following date:

"(A) GROUP 1.—Subject to the numerical limitation established under subparagraph (C), in the case of an alien who has established, at the time of application for temporary residence under paragraph (1), that the alien performed seasonal agricultural services in the United States for at least 90 man-days during each of the 12-months periods ending on May 1, 1984, 1985, and 1986, the adjustment shall occur on the first day after the end of the one-year period that begins on the later of (I) the date the alien was grant-

ed such temporary resident status, or (II) the day after the last day of the application period described in paragraph (1)(A).

"(B) GROUP 2.—In the case of aliens to which subparagraph (A) does not apply, the adjustment shall occur on the day after the last day of the two-year period that begins on the later of (I) the date the alien was granted such temporary resident status, or (II) the day after the last day of the application period described in paragraph (1)(A).

"(C) NUMERICAL LIMITATION.—Subparagraph (A) shall not apply to more than 350,000 aliens. If more than 350,000 aliens meet the requirements of such subparagraph, such subparagraph shall apply to the 350,000 aliens whose applications for adjustment were first filed under paragraph (1) and subparagraph (B) shall apply to the remaining aliens.

"(3) TERMINATION OF TEMPORARY RESIDENCE.—During the period of temporary resident status granted an alien under paragraph (1), the Attorney General may terminate such status only upon a determination under this Act that the alien is deportable.

"(4) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) and shall be granted authorization to engage in employment in the United States and shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as for aliens lawfully admitted for permanent residence.

"(5) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under paragraph (1), such status not having changed, is considered to be an alien lawfully admitted for permanent residence (as described in section 101(a)(20)), other than under any provision of the immigration laws.

"(b) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

"(1) TO WHOM MAY BE MADE.—

"(A) WITHIN THE UNITED STATES.—The Attorney General shall provide that applications for adjustment of status under subsection (a) may be filed—

"(i) with the Attorney General, or

"(ii) with a designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Attorney General.

"(B) OUTSIDE THE UNITED STATES.—The Attorney General, in cooperation with the Secretary of State, shall provide a procedure whereby an alien may apply for adjustment of status under subsection (a)(1) at an appropriate consular office outside the United States. If the alien otherwise qualifies for such adjustment, the Attorney General shall provide such documentation of authorization to enter the United States and to have the alien's status adjusted upon entry as may be necessary to carry out the provisions of this section.

"(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—For purposes of receiving applications under this section, the Attorney General—

"(A) shall designate qualified voluntary organizations and other qualified State, local, community, farm labor organizations, and associations of agricultural employers, and

"(B) may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245, Public Law 89-732, or Public Law 95-145.

"(3) PROOF OF ELIGIBILITY.—

"(A) IN GENERAL.—An alien may establish that he meets the requirement of subsection (a)(1)(B)(ii) through government employment records, records supplied by employers or collective bargaining organizations, and such other reliable documentation as the alien may provide. The Attorney General shall establish special procedures to credit properly work in cases in which an alien was employed under an assumed name.

"(B) DOCUMENTATION OF WORK HISTORY.—(i) An alien applying for adjustment of status under subsection (a)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of man-days (as required under subsection (a)(1)(B)(ii)).

"(ii) If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Attorney General.

"(iii) An alien can meet such burden of proof if the alien establishes that the alien has in fact performed the work described in subsection (a)(1)(B)(ii) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference. In such a case, the burden then shifts to the Attorney General to disprove the alien's evidence with a showing which negates the reasonableness of the inference to be drawn from the evidence.

"(4) TREATMENT OF APPLICATIONS BY DESIGNATED ENTITIES.—Each designated entity must agree to forward to the Attorney General applications filed with it in accordance with paragraph (1)(A)(ii) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Attorney General.

"(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this section by designated entities operating under this section are confidential and the Attorney General and the Service shall not have access to such files or records relating to an alien without the consent of the alien.

"(6) CONFIDENTIALITY OF INFORMATION.—Neither the Attorney General, nor any other official or employee of the Department of Justice, or bureau or agency thereof, may—

"(A) use the information furnished pursuant to an application filed under this section for any purpose other than to make a determination on the application or for enforcement of paragraph (7),

"(B) make any publication whereby the information furnished by any particular individual can be identified, or

"(C) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with respect to applications filed with a designated entity, that designated entity, to examine individual applications.

Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(A) CRIMINAL PENALTY.—Whoever—

"(i) files an application for adjustment of status under this section and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or [illegible]

"(ii) creates or supplies a false writing or document for use in making such an application, [illegible]

shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(B) EXCLUSION.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(19).

"(c) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.—

"(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

"(2) WAIVER OF GROUNDS FOR EXCLUSION.—In the determination of an alien's admissibility under subsection (a)(1)(C)—

"(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

"(B) WAIVER OF OTHER GROUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under clause (i):

"(I) Paragraph (9) and (10) (relating to criminals).

"(II) Paragraph (15) (relating to aliens likely to become public charges).

"(III) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(IV) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(V) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(d) TEMPORARY STAY OF EXCLUSION OR DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

"(1) BEFORE APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1) and who can establish a nonfrivolous case of eligibility to have his status adjusted under subsection (a) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

"(A) may not be excluded or deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit.

"(2) DURING APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who presents a nonfrivolous ap-

plication for adjustment of status under subsection (a) during the application period, and until a final determination on the application has been made in accordance with this section, the alien—

"A. may not be excluded or deported, and

"B. shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(c) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE AND JUDICIAL REVIEW.—There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

"(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

"(3) JUDICIAL REVIEW.—

"(A) LIMITATION TO REVIEW OF EXCLUSION OR DEPORTATION.—There shall be judicial review of such a denial only in the judicial review of an order of exclusion or deportation under section 106.

"(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

"(f) TEMPORARY DISQUALIFICATION OF NEWLY LEGALIZED ALIENS FROM RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN.—During the five-year period beginning on the date an alien was granted lawful temporary resident status under subsection (a), and notwithstanding any other provision of law, the alien is not eligible for aid under a State plan approved under part A of title IV of the Social Security Act. Notwithstanding the previous sentence, in the case of an alien who would be eligible for aid under a State plan approved under part A of title IV of the Social Security Act but for the previous sentence, the provisions of paragraph (3) of section 245A(h) shall apply in the same manner as they apply with respect to paragraph (1) of such section and, for this purpose, any reference in section 245A(h)(3) to paragraph (1) is deemed a reference to the previous sentence.

"(g) TREATMENT OF SPECIAL AGRICULTURAL WORKERS.—For all purposes (subject to subsections (b)(3) and (f)) an alien whose status is adjusted under this section to that of an alien lawfully admitted for permanent residence, such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence (within the meaning of section 101(a)(20)).

"(h) SEASONAL AGRICULTURAL SERVICES DEFINED.—In this section, the term 'seasonal agricultural services' means the performance of field work related to planting, cultural practices, cultivating, growing and harvesting of fruits and vegetables of every kind and other perishable commodities, as defined in regulations by the Secretary of Agriculture."

(2) The table of contents is amended by inserting after the item relating to section 209 the following new item:

"Sec. 210. Special agricultural workers."

(b) CONFORMING AMENDMENTS.—(1) Section 402(f) of the Social Security Act (as added by section 201(b)(1) of this Act) is amended—

(A) by inserting "and subsection (f) of section 210 of such Act" before the period at the end of paragraph (1);

(B) by inserting "or (f)" after "such subsection (h)" in paragraph (2); and

(C) by inserting "or 210" after "such section 245A" in paragraph (2).

(2) The last sentence of section 472(a) of such Act (as added by section 201(b)(2)(A) of this Act) is amended by inserting "or 210(f)" after "245A(h)".

SEC. 302. DETERMINATIONS OF AGRICULTURAL LABOR SHORTAGES AND ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.

(a) IN GENERAL.—Chapter 1 of title II is amended by adding after section 210 (added by section 302 of this title) the following new section:

"DETERMINATION OF AGRICULTURAL LABOR SHORTAGES AND ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS

"SEC. 210A. (a) DETERMINATION OF NEED TO ADMIT ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

"(1) IN GENERAL.—Before the beginning of each fiscal year (beginning with fiscal year 1990 and ending with fiscal year 1993), the Secretaries of Labor and Agriculture (in this section referred to as the 'Secretaries') shall jointly determine the number (if any) of additional aliens who should be admitted to the United States or who should otherwise acquire the status of aliens lawfully admitted for temporary residence under this section during the fiscal year to meet a shortage of workers to perform seasonal agricultural services in the United States during the year. Such number is, in this section, referred to as the 'shortage number'.

"(2) OVERALL DETERMINATION.—The shortage number is—

"(A) the anticipated need for special agricultural workers (as determined under paragraph (4)) for the fiscal year, minus

"(B) the supply of such workers (as determined under paragraph (5)) for that year, divided by the factor (determined under paragraph (6)) for man-days per worker.

"(3) NO REPLENISHMENT IF NO SHORTAGE.—In determining the shortage number, the Secretaries may not determine that there is a shortage unless, after considering all of the criteria set forth in paragraphs (4) and (5), the Secretaries determine that there will not be sufficient able, willing, and qualified workers available to perform seasonal agricultural services required in the fiscal year involved.

"(4) DETERMINATION OF NEED.—For purposes of paragraph (2)(A), the anticipated need for special agricultural workers for a fiscal year is determined as follows:

"(A) BASE.—The Secretaries shall jointly estimate, using statistically valid methods, the number of man-days of labor performed in seasonal agricultural services in the United States in the previous fiscal year.

"(B) ADJUSTMENT FOR CROP LOSSES AND CHANGES IN INDUSTRY.—The Secretaries shall jointly—

"(i) increase such number by the number of man-days of labor in seasonal agricultural services in the United States that would have been needed in the previous fiscal year to avoid any crop damage or other loss that resulted from the unavailability of labor, and

"(ii) adjust such number to take into account the projected growth or contraction in the requirements for seasonal agricultural services as a result of—

"(I) growth or contraction in the seasonal agriculture industry, and

"(II) the use of technologies and personnel practices that affect the need for, and retention of, workers to perform such services.

"(5) DETERMINATION OF SUPPLY.—For purposes of paragraph (2)(B), the anticipated supply of special agricultural workers for a fiscal year is determined as follows:

"(A) BASE.—The Secretaries shall use the number estimated under paragraph (4)(A).

"(B) ADJUSTMENT FOR RETIREMENTS AND DECREASED RECRUITMENT.—The Secretaries shall jointly—

"(i) decrease such number by the number of man-days of labor in seasonal agricultural services in the United States that will be lost due to retirement and movement of workers out of performance of seasonal agricultural services, and

"(ii) increase such number by the number of additional man-days of labor in seasonal agricultural services in the United States that can reasonably be expected to result from the availability of able, willing, qualified, and unemployed special agricultural workers, rural low skill, or manual laborers, and domestic agricultural workers.

"(C) BASIS FOR INCREASED NUMBER.—In making the adjustment under subparagraph (B)(ii), the Secretaries shall consider—

"(i) the effect, if any, that improvements in wages and working conditions offered by employers will have on the availability of workers to perform seasonal agricultural services, taking into account the adverse effect, if any, of such improvements in wages and working conditions on the economic competitiveness of the perishable agricultural industry,

"(ii) the effect, if any, of enhanced recruitment efforts by the employers of such workers and government employment services in the traditional and expected areas of supply of such workers, and

"(iii) the number of able, willing and qualified individuals who apply for employment opportunities in seasonal agricultural services listed with offices of government employment services.

"(D) CONSTRUCTION.—Nothing in this subsection shall be deemed to require any individual employer to pay any specified level of wages, to provide any specified working conditions, or to provide for any specified recruitment of workers.

"(6) DETERMINATION OF MAN-DAY PER WORKER FACTOR.—

"(A) FISCAL YEAR 1990.—For fiscal year 1990—

"(i) IN GENERAL.—Subject to clause (ii), for purposes of paragraph (2) the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (a)(3)(A)(iii), of man-days of seasonal agricultural services performed in the United States in fiscal year 1989 by special agricultural workers whose status is adjusted under section 210 and who performed seasonal agricultural services in the United States at any time during the fiscal year.

"(ii) LACK OF ADEQUATE INFORMATION.—If the Director determines that—

"(I) the information reported under subsection (b)(2)(A) is not adequate to make a reasonable estimate of the average number described in clause (i), but

"(II) the inadequacy of the information is not due to the refusal or failure of employers to report the information required under subsection (b)(2)(A),

the factor under this paragraph is 90.

"(B) FISCAL YEAR 1991.—For purposes of paragraph (2) for fiscal year 1991, the factor

under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in fiscal year 1990 by special agricultural workers who obtained lawful temporary resident status under this section.

"(C) FISCAL YEARS 1992 AND 1993.—For purposes of paragraph (2) for fiscal years 1992 and 1993, the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in each of the two previous fiscal years by special agricultural workers who obtained lawful temporary resident status under this section during either of such fiscal years.

"(7) EMERGENCY PROCEDURE FOR INCREASE IN SHORTAGE NUMBER.—

"(A) REQUESTS.—After the beginning of a fiscal year, a group or association representing employers (and potential employers) of individuals who perform seasonal agricultural services may request the Secretaries to increase the shortage number for the fiscal year based upon a showing that extraordinary, unusual, and unforeseen circumstances have resulted in a significant increase in the shortage number due to (i) a significant increase in the need for special agricultural workers in the year, (ii) a significant decrease in the availability of able, willing, and qualified workers to perform seasonal agricultural services, or (iii) a significant decrease (below the factor used for purposes of paragraph (6)) in the number of man-days of seasonal agricultural services performed by aliens who were recently admitted (or whose status was recently adjusted) under this section.

"(B) NOTICE OF EMERGENCY PROCEDURE.—Not later than 3 days after the date the Secretaries receive a request under subparagraph (A), the Secretaries shall provide for notice in the Federal Register of the substance of the request and shall provide an opportunity for interested parties to submit information to the Secretaries on a timely basis respecting the request.

"(C) PROMPT DETERMINATION ON REQUEST.—The Secretaries, not later than 21 days after the date of the receipt of such a request and after consideration of any information submitted on a timely basis with respect to the request, shall make and publish in the Federal Register their determination on the request. The request shall be granted, and the shortage number for the fiscal year shall be increased, to the extent that the Secretaries determine that such an increase is justified based upon the showing and circumstances described in subparagraph (A) and that such an increase takes into account reasonable recruitment efforts having been undertaken.

"(8) PROCEDURE FOR DECREASING MAN-DAYS OF SEASONAL AGRICULTURAL SERVICES REQUIRED IN THE CASE OF OVER-SUPPLY OF WORKERS.—

"(A) REQUESTS.—After the beginning of a fiscal year, a group of special agricultural workers may request the Secretaries to decrease the number of man-days required under subparagraphs (A) and (B) of subsection (e)(2) with respect to the fiscal year based upon a showing that extraordinary, unusual, and unforeseen circumstances have resulted in a significant decrease in the shortage number due to (i) a significant decrease in the need for special agricultural workers in the year, (ii) a significant increase in the availability of able, willing, and qualified workers to perform seasonal agricultural services, or (iii) a significant increase (above the factor used for purposes of paragraph (8)) in the number of man-days of seasonal agricultural services performed by aliens who were recently admitted (or whose status was recently adjusted) under this section.

"(B) NOTICE OF REQUEST.—Not later than 3 days after the date the Secretaries receive a request under subparagraph (A), the Secretaries shall provide for notice in the Federal Register of the substance of the request and shall provide an opportunity for interested parties to submit information to the Secretaries on a timely basis respecting the request.

"(C) DETERMINATION ON REQUEST.—The Secretaries, before the end of the fiscal year involved and after consideration of any information submitted on a timely basis with respect to the request, shall make and publish in the Federal Register their determination on the request. The request shall be granted, and the number of man-days specified in subparagraphs (A) and (B) of subsection (d)(2) for the fiscal year shall be reduced by the same proportion as the Secretaries determine that a decrease in the shortage number is justified based upon the showing and circumstances described in subparagraph (A).

"(b) ANNUAL NUMERICAL LIMITATION ON ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

"(1) ANNUAL NUMERICAL LIMITATION.—

"(A) FISCAL YEAR 1990.—The numerical limitation on the number of aliens who may be admitted under subsection (c)(1) or who otherwise may acquire lawful temporary residence under such subsection for fiscal year 1990 is—

"(i) 95 percent of the number of individuals whose status was adjusted under section 210(a), minus

"(ii) the number estimated under paragraph (3)(A)(ii) for fiscal year 1989 (as adjusted in accordance with subparagraph (C)).

"(B) FISCAL YEARS 1991, 1992, AND 1993.—The numerical limitation on the number of aliens who may be admitted under subsection (c)(1) or who otherwise may acquire lawful temporary residence under such subsection for fiscal year 1991, 1992, or 1993 is—

"(i) 90 percent of the number described in this clause for the previous fiscal year (or, for fiscal year 1991, the number described in subparagraph (A)(i)), minus

"(ii) the number estimated under paragraph (3)(A)(ii) for the previous fiscal year (as adjusted in accordance with subparagraph (C)).

"(C) ADJUSTMENT TO TAKE INTO ACCOUNT CHANGE IN NUMBER OF H-2 AGRICULTURAL WORKERS.—The number used under subparagraph (A)(ii) or (B)(ii) (as the case may be) shall be increased or decreased to reflect any numerical increase or decrease, respectively, in the number of aliens admitted to perform temporary seasonal agricultural services (as defined in subsection (g)(2)) under section 101(a)(15)(H)(ii)(a) in the fiscal year compared to such number in the previous fiscal year.

"(2) REPORTING OF INFORMATION ON EMPLOYMENT.—In the case of a person or entity who employs, during a fiscal year (beginning with fiscal year 1989 and ending with fiscal year 1992) in seasonal agricultural services, a special agricultural worker—

"(A) whose status was adjusted under section 210, the person or entity shall furnish an official designated by the Secretaries with a certificate (at such time, in such form, and containing such information as the Secretaries establish, after consultation with the Attorney General and the Director of the Bureau of the Census) of the number of man-days of employment performed by the alien in seasonal agricultural services during the fiscal year, or

"(B) who was admitted or whose status was adjusted under this section, the person or entity shall furnish the alien and an official designated by the Secretaries with a certificate (at such time, in such form, and containing such information as the Secretaries establish, after consultation with the Attorney General and the Director of the Bureau of the Census) of the number of man-days of employment performed by the alien in seasonal agricultural services during the fiscal year.

"(3) ANNUAL ESTIMATE OF EMPLOYMENT OF SPECIAL AGRICULTURAL WORKERS.—

"(A) IN GENERAL.—The Director of the Bureau of the Census shall, before the end of each fiscal year (beginning with fiscal year 1989 and ending with fiscal year 1992), estimate—

"(i) the number of special agricultural workers who have performed seasonal agricultural services in the United States at any time during the fiscal year, and

"(ii) for purposes of subsection (e)(3), the average number of man-days of such services certain of such workers have performed in the United States during the fiscal year.

"(B) FURNISHING OF INFORMATION TO DIRECTOR.—The official designated by the Secretaries under paragraph (2) shall furnish to the Director, in such form and manner as the Director specifies, information contained in the certifications furnished to the official under paragraph (2).

"(C) BASIS FOR ESTIMATES.—The Director shall base the estimates under subparagraph (A) on the information furnished under subparagraph (B), but shall take into account (to the extent feasible) the underreporting or duplicate reporting of special agricultural workers who have performed seasonal agricultural services at any time during the fiscal year. The Director shall periodically conduct appropriate surveys, of agricultural employers and others, to ascertain the extent of such underreporting or duplicate reporting.

"(D) REPORT.—The Director shall annually prepare and report to the Congress information on the estimates made under this paragraph.

"(c) ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

"(1) IN GENERAL.—For each fiscal year (beginning with fiscal year 1990 and ending with fiscal year 1993), the Attorney General shall provide for the admission (for lawful temporary resident status, or for the adjustment of status to lawful temporary resident status, of a number of aliens equal to the shortage number (if any) determined under subsection (a)) for the fiscal year, or, if less, the numerical limitation established under subsection (b)(1) for the fiscal year. No such alien shall be admitted who is not admissible to the United States as an immigrant, except as otherwise provided under subsection (e).

"(2) ALLOCATION OF VISAS.—The Attorney General shall, in consultation with the Secretary of State, provide such process as may be appropriate for aliens to petition for immigrant visas or to adjust status to become aliens lawfully admitted for temporary residence under this subsection. No alien may be issued a visa as an alien to be admitted under this subsection or may have the alien's status adjusted under this subsection unless the alien has had a petition approved under this paragraph.

"(d) RIGHTS OF ALIENS ADMITTED OR ADJUSTED UNDER THIS SECTION.—

"(1) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under subsection (c) to that of an alien lawfully admitted for per-

lawful residence at the end of the 3-year period that begins on the date the alien was granted such temporary resident status.

"(2) TERMINATION OF TEMPORARY RESIDENCE.—During the period of temporary resident status granted an alien under subsection (c), the Attorney General may terminate such status only upon a determination under this Act that the alien is deportable.

"(3) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under this section, the alien has the right to travel abroad (including commutation from a residence abroad) and shall be granted authorization to engage in employment in the United States and shall be provided an 'employment authorized' endorsement or other appropriate work permit, in the same manner as for aliens lawfully admitted for permanent residence.

"(4) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (c), such status not having changed, is considered to be an alien lawfully admitted for permanent residence (as described in section 101(a)(20)), other than under any provision of the immigration laws.

"(5) EMPLOYMENT IN SEASONAL AGRICULTURAL SERVICES REQUIRED.—

"(A) FOR 3 YEARS TO AVOID DEPORTATION.—In order to meet the requirement of this paragraph (for purposes of this subsection and section 241(a)(20)), an alien, who has obtained the status of an alien lawfully admitted for temporary residence under this section, must establish to the Attorney General that the alien has performed 90 man-days of seasonal agricultural services—

"(i) during the one-year period beginning on the date the alien obtained such status,

"(ii) during the one-year period beginning one year after the date the alien obtained such status, and

"(iii) during the one-year period beginning two years after the date the alien obtained such status.

"(B) FOR 5 YEARS FOR NATURALIZATION.—Notwithstanding any provision in title III, an alien admitted under this section may not be naturalized as a citizen of the United States under that title unless the alien has performed 90 man-days of seasonal agricultural services in each of 5 fiscal years (not including any fiscal year before the fiscal year in which the alien was admitted under this section).

"(C) PROOF.—In meeting the requirements of subparagraphs (A) and (B), an alien may submit such documentation as may be submitted under section 210(b)(3).

"(D) ADJUSTMENT OF NUMBER OF MAN-DAYS REQUIRED.—The number of man-days specified in subparagraphs (A) and (B) are subject to adjustment under subsection (a)(8).

"(6) DISQUALIFICATION FROM CERTAIN PUBLIC ASSISTANCE.—The provisions of section 245A(h) (other than paragraph (1)(A)(iii)) shall apply to an alien who has obtained the status of an alien lawfully admitted for temporary residence under this section, during the five-year period beginning on the date the alien obtained such status, in the same manner as they apply to an alien granted lawful temporary residence under section 245A; except that, for purposes of this paragraph, assistance furnished under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) shall not be construed to be financial assistance described in section 245A(h)(1)(A)(i).

"(e) DETERMINATION OF ADMISSIBILITY OF ADDITIONAL WORKERS.—In the determination of an alien's admissibility under subsection (c)(1)—

"(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

"(2) WAIVER OF CERTAIN GROUNDS FOR EXCLUSION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(B) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under subparagraph (A):

"(i) Paragraphs (9) and (10) (relating to criminals).

"(ii) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(iii) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(iv) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(3) MEDICAL EXAMINATION.—The alien shall be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

"(f) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

"(1) EQUAL TRANSPORTATION FOR DOMESTIC WORKERS.—If a person employs an alien, who was admitted or whose status is adjusted under subsection (c), in the performance of seasonal agricultural services and provides transportation arrangements or assistance for such workers, the employer must provide the same transportation arrangements or assistance (generally comparable in expense and scope) for other individuals employed in the performance of seasonal agricultural services.

"(2) PROHIBITION OF FALSE INFORMATION BY CERTAIN EMPLOYERS.—A farm labor contractor, agricultural employer, or agricultural association who is an exempt person (as defined in paragraph (5)) shall not knowingly provide false or misleading information to an alien who was admitted or whose status was adjusted under subsection (c) concerning the terms, conditions, or existence of agricultural employment (described in subsection (a), (b), or (c) of section 301 of MASAWPA).

"(3) PROHIBITION OF DISCRIMINATION BY CERTAIN EMPLOYERS.—In the case of an exempt person and with respect to aliens who have been admitted or whose status has been adjusted under subsection (c), the provisions of section 505 of MASAWPA shall apply to any proceeding under or related to (and rights and protections afforded by) this section in the same manner as they apply to proceedings under or related to (and rights and protections afforded by) MASAWPA.

"(4) ENFORCEMENT.—If a person or entity—

"(A) fails to furnish a certificate required under subsection (b)(2) or furnishes false statement of a material fact in such a certificate,

"(B) violates paragraph (1) or (2), or

"(C) violates the provisions of section 505(a) of MASAWPA (as they apply under paragraph (3)),

the person or entity is subject to a civil money penalty under section 503 of MALAWPA in the same manner as if the person or entity had committed a violation of MALAWPA.

"(5) SPECIAL DEFINITIONS.—In this subsection:

"(A) MASAWPA.—The term 'MASAWPA' means the Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470).

"(B) The term 'exempt person' means a person or entity who would be subject to the provisions of MASAWPA but for paragraph (1) or (2), or both, of section 4(a) of MALAWPA.

"(g) GENERAL DEFINITIONS.—In this section:

"(1) The term 'special agricultural worker' means an individual, regardless of present status, whose status was at any time adjusted under section 210 or who at any time was admitted or had the individual's status adjusted under subsection (e).

"(2) The term 'seasonal agricultural services' has the meaning given such term in section 210(h).

"(3) The term 'Director' refers to the Director of the Bureau of the Census.

"(4) The term 'man-day' means, with respect to seasonal agricultural services, the performance during a calendar day of at least 4 hours of seasonal agricultural services.".

(b) DEPORTATION OF CERTAIN WORKERS WHO FAIL TO PERFORM SEASONAL AGRICULTURAL SERVICES.—Section 241(a) (8 U.S.C. 1251(a)) is amended—

(1) by striking out "or" at the end of paragraph (18),

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or", and

(3) by adding at the end the following new paragraph:

"(20) obtains the status of an alien who becomes lawfully admitted for temporary residence under section 210A and fails to meet the requirement of section 210A(d)(5)(A) by the end of the applicable period.".

(c) APPLICATION OF CERTAIN STATE ASSISTANCE PROVISIONS.—For purposes of section 204 of this Act (relating to State legalization assistance), the term "eligible legalized alien" includes an alien who becomes an alien lawfully admitted for permanent or temporary residence under section 210 or 210A of the Immigration and Nationality Act, but only until the end of the 5-year period beginning on the date the alien was first granted permanent or temporary resident status.

(d) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 210 (as inserted by section 302) the following new item:

"Sec. 210A. Determination of agricultural labor shortages and admission of additional special agricultural workers.".

(e) CONFORMING AMENDMENTS.—(1) Section 402(f) of the Social Security Act (as added by section 201(b)(1) of this Act and amended by section 302(b)(1) of this Act) is further amended—

(A) by striking out "and subsection (f) of section 210 of such Act" in paragraph (1) and inserting in lieu thereof ", subsection (f) of section 210 of such Act, and subsection (d)(7) of section 210A of such Act";

(B) by striking out "such subsection (h) or (f)" in paragraph (2) and inserting in lieu

thereof "such subsection (h), (f), or (d)(7)"; and

(C) by striking out "such section 245A or 210" in paragraph (2) and inserting in lieu thereof "such section 245A, 210, or 210A".

(2) The last sentence of section 472(a) of such Act (as added by section 201(b)(2)(A) of this Act and amended by section 302(b)(2) of this Act) is further amended by striking out "245A(h) or 210(f)" and inserting in lieu thereof "245A(h), 210(f), or 210A(d)(7)".

SEC. 304. COMMISSION ON AGRICULTURAL WORKERS.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) There is established a Commission on Agricultural Workers (hereinafter in this section referred to as the "Commission"), to be composed of 12 members—

(A) six to be appointed by the President,

(B) three be appointed by the Speaker of the House of Representatives, and

(C) three to be appointed by the President pro tempore of the Senate.

(2) In making appointments under paragraph (1)(A), the President shall consult—

(A) with the Attorney General in appointing two members,

(B) with the Secretary of Labor in appointing two members, and

(C) with the Secretary of Agriculture in appointing two members.

(3) A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(4) Members shall be appointed to serve for the life of the Commission.

(b) FUNCTIONS OF COMMISSION.—(1) The Commission shall review the following:

(A) The impact of the special agricultural worker provisions on the wages and working conditions of domestic farmworkers, on the adequacy of the supply of agricultural labor, and on the ability of agricultural workers to organize.

(B) The extent to which aliens who have obtained lawful permanent or temporary resident status under the special agricultural worker provisions continue to perform seasonal agricultural services and the requirement that aliens who become special agricultural workers under section 210A of the Immigration and Nationality Act perform 90 man-days of seasonal agricultural services for certain periods in order to avoid deportation or to become naturalized.

(C) The impact of the legalization program and the employers' sanctions on the supply of agricultural labor.

(D) The extent to which the agricultural industry relies on the employment of a temporary workforce.

(E) The adequacy of the supply of agricultural labor in the United States and whether this supply needs to be further supplemented with foreign labor and the appropriateness of the numerical limitation on additional special agricultural workers imposed under section 210A(b) of the Immigration and Nationality Act.

(F) The extent of unemployment and underemployment of farmworkers who are United States citizens or aliens lawfully admitted for permanent residence.

(G) The extent to which the problems of agricultural employers in securing labor are related to the lack of modern labor-management techniques in agriculture.

(H) Whether certain geographic regions need special programs or provisions to meet their unique needs for agricultural labor.

(I) Impact of the special agricultural worker provisions on the ability of crops harvested in the United States to compete in international markets.

(2) The Commission shall conduct an overall evaluation of the special agricultural worker provisions, including the process for determining whether or not an agricultural labor shortage exists.

(c) REPORT TO CONGRESS.—The Commission shall report to the Congress not later than five years after the date of the enactment of this Act on its reviews under subsection (b). The Commission shall include in its report recommendations for appropriate changes that should be made in the special agricultural worker provisions.

(d) COMPENSATION OF MEMBERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, the daily equivalent of the minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which the member is engaged in the actual performance of duties of the Commission. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(e) MEETINGS OF COMMISSION.—(1) Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The Chairman and the Vice Chairman of the Commission shall be elected by the members of the Commission for the life of the Commission.

(3) The Commission shall meet at the call of the Chairman or a majority of its members.

(f) STAFF.—(1) The Chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions, without regard to the laws, rules, and regulations governing appointment in the competitive service. Any Federal employee subject to those laws, rules, and regulations may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(2) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-18 of the General Schedule.

(g) AUTHORITY OF COMMISSION.—(1) The Commission may for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(2) Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent or in such amounts, as are provided in advance in appropriations Acts.

(i) TERMINATION DATE.—The Commission shall cease to exist at the end of the 63-month period beginning with the month after the month in which this Act is enacted.

(j) DEFINITIONS.—In this section:

(1) The term "employer sanctions" means the provisions of section 274A of the Immigration and Nationality Act.

(2) The term "legalization program" refers to the provisions of section 245A of the Immigration and Nationality Act.

(3) The term "seasonal agricultural service" has the meaning given such term in section 210(h) of the Immigration and Nationality Act.

(4) The term "special agricultural worker provisions" refers to sections 210 and 210A of the Immigration and Nationality Act.

SEC. 305. ELIGIBILITY OF H-2 AGRICULTURAL WORKERS FOR CERTAIN LEGAL ASSISTANCE.

A nonimmigrant worker admitted to or permitted to remain in the United States under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) for agricultural labor or service shall be considered to be an alien described in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20)) for purposes of establishing eligibility for legal assistance under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), but only with respect to legal assistance on matters relating to wages, housing, transportation, and other employment rights as provided in the worker's specific contract under which the nonimmigrant was admitted.

PART B—OTHER CHANGES IN THE IMMIGRATION LAW

SEC. 311. CHANGE IN COLONIAL QUOTA.

(a) INCREASE TO 5,000.—(1) Section 202(c) (8 U.S.C. 1152(c)) is amended by striking out "six hundred" and inserting in lieu thereof "5,000".

(2) Section 202(e) (8 U.S.C. 1152(e)) is amended by striking out "600" and inserting in lieu thereof "5,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to fiscal years beginning after the date of the enactment of this Act.

SEC. 312. G-IV SPECIAL IMMIGRANTS.

(a) SPECIAL IMMIGRANT STATUS FOR CERTAIN OFFICERS AND EMPLOYEES OF INTERNATIONAL ORGANIZATIONS AND THEIR IMMEDIATE FAMILY MEMBERS.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking out "or" at the end of subparagraph (G), by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; or", and by adding at the end of the following new subparagraph:

"(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II) applies for admission under this subparagraph no later than his twenty-fifth birthday or six months after the date this subparagraph is enacted, whichever is later;

"(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who — (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and (II) applies for admission under this subparagraph no later than six months after the date of such death or six months after the date this subparagraph is enacted, whichever is later;

"(iii) an immigrant who is a retired officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and (II) applies for admission under this subparagraph before January 1, 1993, and no later than six months after the date of such retirement or six months after the date this subparagraph is enacted, whichever is later; or

"(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family.".

(b) NONIMMIGRANT STATUS FOR CERTAIN PARENTS AND CHILDREN OF ALIENS GIVEN SPECIAL IMMIGRANT STATUS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended by striking out "or" at the end of subparagraph (L), by striking out the period at the end of subparagraph (M) and inserting in lieu thereof "; or", and by adding at the end the following new paragraph:

"(N)(i) the parent of an alien accorded the status of special immigrant under paragraph (27)(I)(i), but only if and while the alien is a child, or

"(ii) a child of such parent or of an alien accorded the status of a special immigrant under clause (ii), (iii), or (iv) of paragraph (27)(I).".

SEC. 312. VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS.

(a) ESTABLISHING VISA WAIVER PILOT PROGRAM.—Chapter 2 of title II, as amended by section 301(c), is further amended by adding after section 216 the following new section:

"VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS

"SEC. 217. (a) ESTABLISHMENT OF PILOT PROGRAM.—The Attorney General and the Secretary of State are authorized to establish a pilot program (hereafter in this section referred to as the 'pilot program') under which the requirement of paragraph (26)(B) of section 212(a) may be waived by the Attorney General and the Secretary of State, acting jointly and in accordance with this section, in the case of an alien who meets the following requirements:

"(1) SEEKING ENTRY AS TOURIST FOR 90 DAYS OR LESS.—The alien is applying for admission during the pilot program period (as defined in subsection (e)) as a nonimmigrant visitor (described in section 101(a)(15)(B)) for a period not exceeding 90 days.

"(2) NATIONAL OF PILOT PROGRAM COUNTRY.—The alien is a national of a country which—

"(A) extends (or agrees to extend) reciprocal privileges to citizens and nationals of the United States, and

"(B) is designated as a pilot program country under subsection (c).

"(3) EXECUTES ENTRY CONTROL AND WAIVER FORMS.—The alien before the time of such admission—

"(A) completes such immigration form as the Attorney General shall establish under subsection (h)(3), and

"(B) executes a waiver of review and appeal described in subsection (h)(4).

"(4) ROUND-TRIP TICKET.—The alien has a round-trip, nontransferable transportation ticket which—

"(A) is valid for a period of not less than one year,

"(B) is nonrefundable except in the country in which issued or in the country of the alien's nationality or residence,

"(C) is issued by a carrier which has entered into an agreement described in subsection (d), and

"(D) guarantees transport of the alien out of the United States at the end of the alien's visit.

"(5) NOT A SAFETY THREAT.—The alien has been determined not to represent a threat to the welfare, health, safety, or security of the United States.

"(6) NO PREVIOUS VIOLATION.—If the alien previously was admitted without a visa under this section, the alien must not have failed to comply with the conditions of any previous admission as such a nonimmigrant.

"(b) CONDITIONS BEFORE PILOT PROGRAM CAN BE PUT INTO OPERATION.—

"(1) PRIOR NOTICE TO CONGRESS.—The pilot program may not be put into operation until the end of the 30-day period beginning on the date that the Attorney General submits to the Congress a certification that the screening and monitoring system described in paragraph (2) is operational and effective and that the form described in paragraph (3) has been produced.

"(2) AUTOMATED DATA ARRIVAL AND DEPARTURE SYSTEM.—The Attorney General in cooperation with the Secretary of State shall develop and establish an automated data arrival and departure control system to screen and monitor the arrival into and departure from the United States of nonimmigrant visitors receiving a visa waiver under the pilot program.

"(3) VISA WAIVER INFORMATION FORM.—The Attorney General shall develop a form for use under the pilot program. Such form shall be consistent and compatible with the control system developed under paragraph (2). Such form shall provide for, among other items—

"(A) a summary description of the conditions for excluding nonimmigrant visitors from the United States under section 212(a) and under the pilot program,

"(B) a description of the conditions of entry with a waiver under the pilot program, including the limitation of such entry to 90 days and the consequences of failure to abide by such conditions, and

"(C) questions for the alien to answer concerning any previous denial of the alien's application for a visa.

"(4) WAIVER OF RIGHTS.—An alien may not be provided a waiver under the pilot program unless the alien has waived any right—

"(A) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States, or

"(B) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(c) DESIGNATION OF PILOT PROGRAM COUNTRIES.—

"(1) UP TO 8 COUNTRIES.—The Attorney General and the Secretary of State acting jointly may designate up to eight countries as pilot program countries for purposes of the pilot program.

"(2) INITIAL QUALIFICATIONS.—For the initial period described in paragraph (4), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) LOW NONIMMIGRANT VISA REFUSAL RATE FOR EACH OF 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS.—For each fiscal year (within the pilot program period) after the initial period—

"(A) CONTINUING QUALIFICATION.—In the case of a country which was a pilot program country in the previous fiscal year, a country may not be designated as a pilot program country unless the sum of—

"(i) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(ii) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(B) NEW COUNTRIES.—In the case of another country, the country may not be designated as a pilot program country unless the following requirements are met:

"(i) LOW NONIMMIGRANT VISA REFUSAL RATE IN PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(ii) LOW NONIMMIGRANT VISA REFUSAL RATE IN EACH OF THE 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(4) INITIAL PERIOD.—For purposes of paragraphs (2) and (3), the term 'initial period' means the period beginning at the end of the 30-day period described in subsection (b)(1) and ending on the last day of the first fiscal year which begins after such 30-day period.

"(d) CARRIER AGREEMENTS.—

"(1) IN GENERAL.—The agreement referred to in subsection (a)(4)(C) is an agreement between a carrier and the Attorney General under which the carrier agrees, in consideration of the waiver of the visa requirement

with respect to a nonimmigrant visitor under the pilot program—

"(A) to indemnify the United States against any costs for the transportation of the alien from the United States if the visitor is refused admission to the United States or remains in the United States unlawfully after the 90-day period described in subsection (a)(1)(A), and

"(B) to submit daily to immigration officers any immigration forms received with respect to nonimmigrant visitors provided a waiver under the pilot program.

"(2) TERMINATION OF AGREEMENTS.—The Attorney General may terminate an agreement under paragraph (1) with five days' notice to the carrier for the carrier's failure to meet the terms of such agreement.

"(e) DEFINITION OF PILOT PROGRAM PERIOD.—For purposes of this section, the term 'pilot program period' means the period beginning at the end of the 30-day period referred to in subsection (b)(1) and ending on the last day of the third fiscal year which begins after such 30-day period.".

(b) LIMITATION ON STAY IN UNITED STATES.—Section 214(a) (8 U.S.C. 1184(a)) is amended by adding at the end the following new sentence: "No alien admitted to the United States without a visa pursuant to section 217 may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding 90 days from the date of admission.".

(c) PROHIBITION OF ADJUSTMENT TO IMMIGRANT STATUS.—Section 245(c) (8 U.S.C. 1255(c)), as amended by section 312(b), is further amended by striking out "or" before "(4)" and by inserting before the period at the end the following: "; or (5) an alien (other than an immediate relative as defined in section 201(b)) who was admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217".

(d) PROHIBITION OF ADJUSTMENT OF NONIMMIGRANT STATUS.—Section 248 (8 U.S.C. 1258) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and" and by adding at the end thereof the following new paragraph:

"(4) an alien admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217.".

(e) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by adding after the item relating to section 216 the following new item:

"Sec. 217. Visa waiver pilot program for certain visitors.".

SEC. 314. MAKING VISAS AVAILABLE TO NONPREFERENCE IMMIGRANTS.

(a) AUTHORIZATION OF ADDITIONAL VISAS.—Notwithstanding the numerical limitations in section 201(a) of the Immigration and Nationality Act (8 U.S.C. 1151(a)), but subject to the numerical limitations in section 202 of such Act, there shall be made available to qualified immigrants described in section 203(a)(7) of such Act 5,000 visa numbers in each of fiscal years 1987 and 1988.

(b) DISTRIBUTION OF VISA NUMBERS.—The Secretary of State shall provide for making visa numbers provided under subsection (a) available in the same manner as visa numbers are otherwise made available to qualified immigrants under section 203(a)(7) of the Immigration and Nationality Act, except that—

(1) the Secretary shall first make such visa numbers available to qualified immigrants who are natives of foreign states the immigration of whose natives to the United States was adversely affected by the enactment of Public Law 89-236, and

(2) within groups of qualified immigrants, such visa numbers shall be made available strictly in the chronological order in which they qualify after the date of the enactment of this Act.

(c) WAIVER OF LABOR CERTIFICATION.—Section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)) shall not apply in the determination of an immigrant's eligibility to receive any visa made available under this section or in the admission of such an immigrant issued such a visa under this section.

(d) APPLICATION OF DEFINITIONS OF IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization.

SEC. 315. MISCELLANEOUS PROVISIONS.

(a) EQUAL TREATMENT OF FATHERS.—Section 101(b)(1)(D) (8 U.S.C. 1101(b)(1)(D)) is amended by inserting "or to its natural father if the father has or had a bona fide parent-child relationship with the person" after "natural mother".

(b) SUSPENSION OF DEPORTATION FOR CERTAIN ALIENS.—Section 244(b) (8 U.S.C. 1254(b)), as amended by section 312(c), is further amended by adding at the end the following new paragraph:

"(3) An alien shall not be considered to have failed to maintain continuous physical presence in the United States under paragraphs (1) and (2) of subsection (a) if the absence from the United States was brief, casual, and innocent and did not meaningfully interrupt the continuous physical presence.".

(c) SENSE OF CONGRESS RESPECTING TREATMENT OF CUBAN POLITICAL PRISONERS.—It is the sense of the Congress that the Secretary of State should provide for the issuance of visas to nationals of Cuba who are or were imprisoned in Cuba for political activities without regard to section 243(g) of the Immigration and Nationality Act (8 U.S.C. 1253(g)).

(d) DENIAL OF CREW MEMBER NONIMMIGRANT VISA IN CASES OF STRIKES.—(1) Except as provided in paragraph (2), during the one-year period beginning on the date of the enactment of this Act, an alien may not be admitted to the United States as an alien crewman (under section 101(a)(15)(D) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(D)) for the purpose of performing service on board a vessel or aircraft at a time when there is a strike in the bargaining unit of the employer in which the alien intends to perform such service.

(2) Paragraph (1) shall not apply to an alien employee who was employed before the date of the strike concerned and who is seeking admission to enter the United States to continue to perform services as a crewman to the same extent and on the same routes as the alien performed such services before the date of the strike.

TITLE IV—REPORTS TO CONGRESS

SEC. 401. TRIENNIAL COMPREHENSIVE REPORT ON IMMIGRATION.

(a) TRIENNIAL REPORT.—The President shall transmit to the Congress, not later than January 1, 1989, and not later than January 1 of every third year thereafter, a comprehensive immigration-impact report.

(b) DETAILS IN EACH REPORT.—Each report shall include—

(1) the number and classification of aliens admitted (whether as immediate relatives, special immigrants, refugees, or under the preferences classifications, or as nonimmigrants), paroled, or granted asylum, during the relevant period;

(2) a reasonable estimate of the number of aliens who entered the United States during the period without visas or who became deportable during the period under section 241 of the Immigration and Nationality Act; and

(3) a description of the impact of admissions and other entries of immigrants, refugees, asylees, and parolees into the United States during the period on the economy, labor and housing markets, the educational system, social services, foreign policy, environmental quality and resources, the rate, size, and distribution of population growth in the United States, and the impact on specific States and local units of government of such rates of immigration resettlement.

(c) HISTORY AND PROJECTIONS.—The information (referred to in subsection (b)) contained in each report shall be—

(1) described for the preceding three-year period, and

(2) projected for the succeeding five-year period, based on reasonable estimates substantiated by the best available evidence.

(d) RECOMMENDATIONS.—The President also may include in such report any appropriate recommendations on changes in numerical limitations or other policies under title II of the Immigration and Nationality Act bearing on the admission and entry of such aliens to the United States.

SEC. 402. REPORTS ON UNAUTHORIZED ALIEN EMPLOYMENT.

(a) PRESIDENTIAL REPORTS.—The President shall transmit to Congress annual reports on the implementation of section 274A of the Immigration and Nationality Act (relating to unlawful employment of aliens) during the first three years after its implementation. Each report shall include—

(1) an analysis of the adequacy of the employment verification system provided under subsection (b) of that section;

(2) a description of the status of the development and implementation of changes in that system under subsection (c) of that section, including the results of any demonstration projects conducted under paragraph (4) of such subsection; and

(3) an analysis of the impact of the enforcement of that section on—

(A) the employment, wages, and working conditions of United States workers and on the economy of the United States,

(B) the number of aliens entering the United States illegally or who fail to maintain legal status after entry, and

(C) the violation of terms and conditions of nonimmigrant visas by foreign visitors.

SEC. 403. REPORTS ON H-2A PROGRAM.

(a) PRESIDENTIAL REPORTS.—The President shall transmit to the Committees on the Judiciary of the Senate and of the House of Representatives reports on the implementation of the temporary agricultural worker (H-2A) program, which shall include—

(1) the number of foreign workers permitted to be employed under the program in each year;

(2) the compliance of employers and foreign workers with the terms and conditions of the program;

(3) the impact of the program on the labor needs of the United States agricultural employers and on the wages and working conditions of United States agricultural workers; and

(4) recommendations for modifications of the program, including—

(A) improving the timeliness of decisions regarding admission of temporary foreign workers under the program,

(B) removing any economic disincentives to hiring United States citizens or permanent resident aliens for jobs for which temporary foreign workers have been requested,

(C) improving cooperation among government agencies, employers, employer associations, workers, unions, and other worker associations to end the dependence of any industry on a constant supply of temporary foreign workers, and

(D) the relative benefits to domestic workers and burdens upon employers of a policy which requires employers, as a condition for certification under the program, to continue to accept qualified United States workers for employment after the date the H-2A workers depart for work with the employer.

The recommendations under subparagraph (D) shall be made in furtherance of the Congressional policy that aliens not be admitted under the H-2A program unless there are not sufficient workers in the United States who are able, willing, and qualified to perform the labor or services needed and that the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(b) DEADLINES.—A report on the H-2A temporary worker program under subsection (a) shall be submitted not later than two years after the date of the enactment of this Act, and every two years thereafter.

SEC. 404. REPORTS ON LEGALIZATION PROGRAM.

(a) IN GENERAL.—The President shall transmit to Congress two reports on the legalization program established under section 245A of the Immigration and Nationality Act.

(b) INITIAL REPORT DESCRIBING LEGALIZED ALIENS.—The first report, which shall be transmitted not later than 18 months after the end of the application period for adjustment to lawful temporary residence status under the program, shall include a description of the population whose status is legalized under the program, including—

(1) geographical origins and manner of entry of these aliens into the United States,

(2) their demographic characteristics, and

(3) a general profile and characteristics.

(c) SECOND REPORT ON IMPACT OF LEGALIZATION PROGRAM.—The second report, which shall be transmitted not later than three years after the date of transmittal of the first report, shall include a description of—

(1) the impact of the program on State and local governments and on public health and medical needs of individuals in the different regions of the United States,

(2) the patterns of employment of the legalized population, and

(3) the participation of legalized aliens in social service programs.

SEC. 405. REPORT ON VISA WAIVER PILOT PROGRAM.

(a) MONITORING AND REPORT PILOT PROGRAM.—The Attorney General and the Secretary of State shall jointly monitor the pilot program established under section 217 of the Immigration and Nationality Act and shall report to the Congress not later than two years after the beginning of the program.

(b) DETAILS IN REPORT.—The report shall include—

(1) an evaluation of the program, including its impact—

(A) on the control of alien visitors to the United States,

(B) on consular operations in the countries designated under the program, as well as on consular operations in other countries in which additional consular personnel have been relocated as a result of the implementation of the program, and

(C) on the United States tourism industry; and

(2) recommendations—

(A) on extending the pilot program period, and

(B) on increasing the number of countries that may be designated under the program.

SEC. 406. REPORT ON IMMIGRATION AND NATURALIZATION SERVICE.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall prepare and transmit to the Congress a report describing the type of equipment, physical structures, and personnel resources required to improve the capabilities of the Immigration and Naturalization Service so that it can adequately carry out services and enforcement activities, including those required to carry out the amendments made by this Act.

SEC. 407. SENSE OF THE CONGRESS.

It is the sense of the Congress that the President of the United States should consult with the President of the Republic of Mexico within 90 days after enactment of this Act regarding the implementation of this Act and its possible effect on the United States or Mexico. After the consultation, it is the sense of the Congress that the President should report to the Congress any legislative or administrative changes that may be necessary as a result of the consultation and the enactment of this legislation.

TITLE V—STATE ASSISTANCE FOR INCARCERATION COSTS OF ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS

SEC. 501. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS.

(a) REIMBURSEMENT TO STATES.—Subject to the amounts provided in advance in appropriation Acts, the Attorney General shall reimburse a State for the costs incurred by the State for the imprisonment of any illegal alien or Cuban national who is convicted of a felony by such State.

(b) ILLEGAL ALIENS CONVICTED OF A FELONY.—An illegal alien referred to in subsection (a) is any alien who is any alien convicted of a felony who is in the United States unlawfully and—

(1) whose most recent entry into the United States was without inspection, or

(2) whose most recent admission to the United States was as a nonimmigrant and—

(A) whose period of authorized stay as a nonimmigrant expired, or

(B) whose unlawful status was known to the Government,

before the date of the commission of the crime for which the alien is convicted.

(c) MARIELITO CUBANS CONVICTED OF A FELONY.—A Marielito Cuban convicted of a felony referred to in subsection (a) is a national of Cuba who—

(1) was allowed by the Attorney General to come to the United States in 1980,

(2) after such arrival committed any violation of State or local law for which a term of imprisonment was imposed, and

(3) at the time of such arrival and at the time of such violation was not an alien lawfully admitted to the United States—

(A) for permanent or temporary residence, or

(B) under the terms of an immigrant visa or a nonimmigrant visa issued,

under the laws of the United States.

(d) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(e) STATE DEFINED.—The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

TITLE VI—COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

SEC. 601. COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) There is established a Commission for the Study of International Migration and Cooperative Economic Development (in this section referred to as the "Commission"), to be composed of twelve members—

(A) three members to be appointed by Speaker of the House of Representatives;

(B) three members to be appointed by the minority leader of the House of Representatives;

(C) three members to be appointed by the Majority Leader of the Senate; and

(D) three members to be appointed by the Minority Leader of the Senate.

(2) Members shall be appointed for the life of the Commission. Appointments to the Commission shall be made within 90 days after the date of the enactment of this Act. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) A majority of the members of the Commission shall elect a Chairman.

(b) DUTY OF COMMISSION.—The Commission, in consultation with the governments of Mexico and other sending countries in the Western Hemisphere, shall examine the conditions in Mexico and such other sending countries which contribute to unauthorized migration to the United States and mutually beneficial, reciprocal trade and investment programs to alleviate such conditions. For purposes of this section, the term "sending country" means a foreign country a substantial number of whose nationals migrate to, or remain in, the United States without authorization.

(c) REPORT TO THE PRESIDENT AND CONGRESS.—Not later than three years after the appointment of the members of the Commission, the Commission shall prepare and transmit to the President and to the Congress a report describing the results of the Commission's examination and recommending steps to provide mutually beneficial reciprocal trade and investment programs to alleviate conditions leading to unauthorized migration to the United States.

(d) COMPENSATION OF MEMBERS, MEETINGS, STAFF, AUTHORITY OF COMMISSION, AND AUTHORIZATION OF APPROPRIATIONS.—(1) The provisions of subsections (d), (e)(3), (f), (g), and (h) of section 304 shall apply to the Commission in the same manner as they apply to the Commission established under section 304.

(2) Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) TERMINATION DATE.—The Commission shall terminate on the date on which a report is required to be transmitted by subsection (c), except that the Commission may continue to function for not more than thirty days thereafter for the purpose of concluding its activities.

TITLE VII—FEDERAL RESPONSIBILITY FOR DEPORTABLE AND EXCLUDABLE ALIENS CONVICTED OF CRIMES

SEC. 701. EXPEDITIOUS DEPORTATION OF CONVICTED ALIENS.

Section 242 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(i) In the case of an alien who is convicted of an offense which makes the alien subject to deportation, the Attorney General

shall begin any deportation proceeding as expeditiously as possible after the date of the conviction.".

SEC. 702. IDENTIFICATION OF FACILITIES TO INCARCERATE DEPORTABLE OR EXCLUDABLE ALIENS.

The President shall require the Secretary of Defense, in cooperation with the Attorney General, and by not later than 60 days after the date of the enactment of this Act, to provide to the Attorney General a list of facilities of the Department of Defense that could be made available to the Bureau of Prisons for use in incarcerating aliens who are subject to exclusion or deportation from the United States.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment to the title of the House and agree to the same.

From the Committee on the Judiciary:
For consideration of the entire Senate bill and House amendments:

PETER W. RODINO, Jr.,
ROBERT W. KASTENMEIER,
JOHN F. SEIBERLING,
ROMANO L. MAZZOLI,
MIKE SYNAR,
BARNEY FRANK,
CHARLES E. SCHUMER,
LAWRENCE J. SMITH,
HOWARD L. BERMAN,
RICK BOUCHER,
JOHN BRYANT,
HAMILTON FISH, Jr.,
CARLOS J. MOORHEAD,
DANIEL E. LUNGREN,
BILL MCCOLLUM,
E. CLAY SHAW, Jr.,
MIKE DEWINE,

From the Committee on Agriculture:
Solely for consideration of sections 121-125, 202(h), 203, and 304 of the Senate bill and sections 116, 121, 204, 301-306, and 701 of the House amendments:

LEON E. PANETTA,
JERRY HUCKABY,
SID MORRISON,

From the Committee on Education and Labor:
Solely for consideration of sections 101(d), 121-125, 202(h), 203, 304, 402, and 604 of the Senate bill and sections 101, 121, 201(h), 304, 301-305, 316(d), 402, 403, and 701 of the House amendments:

WILLIAM D. FORD,
JAMES M. JEFFORDS,

From the Committee on Energy and Commerce:
Solely for consideration of sections 125(b), 202(h), 203, 304, and 404 of the Senate bill and sections 121, 201(d), 201(h), 204, 404, and that portion of section 302(a) inserting subsection 210(f) in the Immigration and Nationality Act:

JOHN D. DINGELL,
HENRY A. WAXMAN,
WILLIAM E. DANNEMEYER,

From the Committee on Ways and Means:
Solely for consideration of sections 121(a), 121(g), 121(h), 124(c), 125(b), 202(h), 203, 304, 404, and 602 of the Senate bill and sections 121, 201(h), 204, 302(b), 402, 404, 601, 701, and that portion of section 302(a) inserting subsection 210(f) in the Immigration and Nationality Act:

HAROLD FORD,
DONALD J. PEASE,

From the Committee on Rules:
Solely for consideration of section 604(b) of the Senate bill and section 811 of the House amendments and modifications committed to Conference:

ANTHONY C. BEILENSON,
GENE TAYLOR,
Managers on the Part of the House.

STROM THURMOND,
AL SIMPSON,
JEREMIAH DENTON,
CHARLES MCC. MATHIAS, Jr.,
EDWARD M. KENNEDY,
PAUL SIMON,
HOWARD M. METZENBAUM,
Managers on the Part of the Senate.

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 amendments of the House to the bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, 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 to the text of the bill 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 to the text with an amendment which is a substitute for the text of the Senate bill and the House amendment. The differences between the text of 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.

In addition, the House amendment to the title of the bill substituted a different title. The Senate recedes from its disagreement to the title of the House amendment to the title.

SCOPE OF SANCTIONS COVERAGE

The Senate bill penalized employers who knowingly hired, recruited, or referred for a fee, or other consideration, undocumented aliens.

The House amendment did not include the term "or other consideration."

The Conference substitute adopts the House approach. It is the intent of the Conferees that the employer be able to rely on such referrals for purposes of complying with the verification requirements under the bill so that employers will not be in violation of any contrary contractual provisions with union hiring halls.

PENALTY STRUCTURE

A. CITATION STATE

The Senate bill provided for a 6 month notice and warning (citation) period for a first violation of knowingly hiring, recruiting or referring undocumented aliens, following the initial six month education period during which no penalties apply.

The House amendment provided for a 1 year notice and warning (citation) period for a first offense following the initial 6 month education period during which no penalties apply.

The Conference substitute adopts the House provision. The Conferees wish to make it clear that following receipt of a citation, an employer is subject to civil penalties even though the citation period has not expired.

B. CIVIL AND CRIMINAL PENALTIES

The Senate bill established a 3-tiered civil penalty structure:

(1) $100-$2,000 for a first offense.
(2) $2,000-$5,000 for a second offense.
(3) $3,000-$10,000 for "pattern or practice" violations.

As noted, "pattern or practice" violation was a precondition to the third tier of civil fines. The Senate bill also imposed criminal penalties of $3,000 and/or 6 months imprisonment for "pattern or practice" violations following imposition of a civil fine.

The House amendment established a 3-tier civil penalty structure:

(1) $1,000-$2,000 for a first offense, and
(2) $2,000-$5,000 for a subsequent offense.

It also imposed criminal penalties of $3,000 and/or 6 months imprisonment for "pattern or practice" violations.

The Conference substitute adopts the Senate provision with two modifications. First, the minimum fine for a first violation (also applying at any time after a citation during the citation period) is $250 rather than the $100 contained in the Senate bill. Second, the requirement of a "pattern or practice" for the third tier of civil fines is eliminated and the requirement of a civil fine as a prerequisite to a criminal penalty is eliminated.

It is the intention of the Conferees that criminal sanctions are to be used for serious or repeat offenders who have clearly demonstrated an intention to evade the law by engaging in a pattern or practice of employment, recruitment, or referral of persons who do not meet the requirements under sections (1)(A) or (2) of subsection (a) of section 274A. The Conferees expect the Immigration and Naturalization Service to target its enforcement resources on repeat offenders and that the size of the employer shall be a factor in the allocation of such resources.

TERMINATION OF SANCTIONS

The Senate bill required the General Accounting Office (GAO) to submit to Congress, and a specially created task force, three annual reports regarding, among other things, whether a pattern of employment discrimination based on national origins has resulted from employer sanctions. It then requires the task force to submit a report, with legislative recommendations, to Congress if the GAO report in fact discovered such discrimination. The House and Senate must hold hearings within 60 days of receipt of the task force report. The bill further specified that employer sanctions shall cease 30 days after receipt of the final report required to be transmitted if: (1) GAO has reported that a widespread pattern of discrimination has resulted solely from employer sanctions; and (2) there is enacted within such 30-day period a joint resolution stating that Congress approves the findings in the report.

It requires expeditious consideration in the House and Senate of any such resolution and specifies procedures governing Senate consideration of such resolution.

The House amendment terminated employer sanctions and the anti-discrimination program automatically six and one-half years after the date of enactment.

The Conference substitute adopts the Senate provision.

ANTIDISCRIMINATION PROVISION

As noted above, the Senate bill required the General Accounting Office (GAO) to submit to Congress, and a specially created task force, three annual reports regarding, among other things, whether a pattern of employment discrimination based on national origins has resulted from employer sanctions.

The House amendment prohibited employment discrimination based on citizenship status or national origins. It applies to employers who employ more than three or fewer than fifteen employees and covers U.S. citizens, permanent resident aliens, ref-

ugees, asylees, and newly legalized aliens, who have filed a notice of intent to become U.S. citizens. It allowed employers to choose a U.S. citizen over an alien when applicants are equally qualified. It established a Special Counsel in the Department of Justice to investigate and prosecute claims claims of employment discrimination and provides for certain sanctions against offending employers, including fines, granting of back pay, and requirement that the employer keep paperwork on future job applicants.

The Conference substitute adopts the House language with certain amendments.

The antidiscrimination provisions of this bill are a complement to the sanctions provisions, and must be considered in this context. The bill broadens the Title VII protections against national origin discrimination, while not broadening the other Title VII protections, because of the concern of some Members that people of "foreign" appearance might be made more vulnerable by the imposition of sanctions. While the bill is not discriminatory, there is some concern that some employers may decide not to hire "foreign" appearing individuals to avoid sanctions.

The antidiscrimination provisions of the bill will only provide this broadened protection while the sanctions are in effect; if the sanctions are repealed by joint resolution, the antidiscrimination provisions will also expire, the justification for them having been removed.

The antidiscrimination provisions would also be repealed in the event of a joint resolution approving a GAO finding that the sanctions had resulted in no significant discrimination, or that the administration of the antidiscrimination provisions had resulted in an unreasonable burden on employers. In this regard, the Conference also expect that GAO would specifically look into the issue of whether the anti-discrimination mechanism and remedies are being utilized in a manner that is inconsistent with their original purpose (i.e. to guard against employment discrimination based on national origins or citizenship status). Conferees wish to emphasize that the anti-discrimination provision has been included in order to respond to the fears and concerns expressed by many that sanctions will result in employment discrimination based on national origins or citizenship status. Thus, the anti-discrimination provision does not in itself in any way set a precedent for the expansion of other Title VII protections. Furthermore, nothing in this bill shall prevent the use of language as a Bona Fide Occupational Qualification.

Verification/Record Keeping Requirements

The Senate bill provide that employers with four or more employees, but not recruiters or referrers, must comply with various verification requirements. It required that a person employing four or more persons must verify that he/she has examined documents which establish both (1) employment authorization and (2) identity (showing that the individual is not presenting documents relating to another individual). A U.S. passport, certificate of U.S. citizenship, certificate of naturalization, or certain resident alien cards would establish both. Otherwise, one document of each type would be presented. Employment authorization documents would include the Social Security card or birth certificate. Identity documents would include: drivers's license, other State-issue card, or, under certain circumstances, other documentation approved by the Attorney General. The Senate bill also provided that the attestation forms signed by the employer and employees must be retained for specified periods.

The Senate bill did not impose civil fines for failure to satisfy the above requirements. Instead, it provided that if an employer did not meet them, the employer was presumed to have knowingly hired the alien. The presumption could have been rebutted by "clear and convincing evidence" to the contrary.

The House amendment required employers to verify all new hires by examining either (1) a U.S. passport, or (2) a U.S. birth certificate or Social Security card and a driver's license, state issued I.D. card, or an alien identification document and required each employer to attest, in writing, under penalty of perjury, that he/she has seen the documentation mentioned above. It also required the employee to attest in writing that he/she is authorized to work in the U.S. It also required the employer to retain the attestation forms for such periods as may be specified by the Attorney General. Failure to follow these verification/record keeping requirement would have subjected the offending party to a civil fine of between $250–$1000.

The House amendment also provided that nothing in this section of the legislation was to be construed as authorizing, directly or indirectly, the creation of a national identification card.

The Conference substitute adopts the House provisions on coverage for, and the mandatory nature of, the verification/record keeping requirements. It adopts the Senate provisions on the documents to be used during the verification process and the time periods for retaining the attestation forms. It provides a minimum civil fine of $100 for violations of these requirements in lieu of the $250 minimum fine in the House amendment. The Conference substitute also provides that violations of the hiring prohibition in the bill shall be considered in assessing the level of the civil fineto be imposed. It also includes the House provision that "nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card."

Verification Process and State Employment Service Documentation

The House amendment provided that an employer will be deemed to have complied with the verification requirements, if an individual has been referred for employment by a state employment agency, if such employer retains appropriate documentation of the referral by that agency which specifically certifies that such agency has satisfied such requirements.

The Senate had no comparable provision.

The Conference substitute adopts the House provision. The Conferees, however, wish to emphasize that this provision is not intended to impose any affirmative duty or obligation upon State employment service offices or personnel.

Time for Compliance With Verification Process

The House amendment provided employers with a 24 hour grace period for compliance with the verification requirements.

The Senate bill had no comparable provision.

The Conference substitute does not contain the House provision. However, the Conferees direct the Attorney General to develop and promulgate regulations regarding the time for compliance which addresses the practical problems confronting farm workers and agricultural employers in satisfying the discrimination and verification requirements of this legislation. The employer shall be presumed to be in compliance with the paperwork and verification requirements for the first twenty-four hours after the worker has been hired to allow the worker time to produce the required documents under this subsection. The Justice Department may rebut this presumption with evidence that the employer has attempted to evade liability for employer sanctions and responsibilities for verification through the employment of day hires.

Future Verification System

A. General Provisions

The Senate bill directed the President to monitor the verification system. If he finds that the system is not secure, he must seek to implement such changes as may be necessary to establish a secure system to determine employment authorization. Such changes would only be permitted after notice to Congress: 2 years for a major change, such as a telephone verification system or a new identification document, and 60 days for a non-Major change, such as an improved Social Security card. It also authorized the President to establish demonstration projects for up to three years, and required studies of the Executive Branch and GAO to evaluate the use of a telephone verification system and possible improvements in the current Social Security card.

The House amendment directed the Attorney General, in consultation with the Secretaries of Labor and Health and Human Services, to conduct a study on the use of a telephone verification system for determining the employment eligibility of aliens in the U.S. The House amendment also directed the Secretary of Health and Human Services to conduct a feasibility study of a social security number validation system.

The conference substitute adopts the Senate provision regarding a future verification system, with an amendment with regard to the use of Social Security cards (discussed below) and with the addition of House language prohibiting the development of a national I.d. card. The conference substitute also includes a study of both the telephone verification system and a study on the feasibility of a social security number validation system.

The scope of the studies required in sections 101(d) and 101(e) of the House amendment are separate and distinct and do not overlap. The study required by section 101(d) is to examine the possible use of the Federal data bases excluding data collected through the Social Security Administration by use of the social security number. The study conducted under section 101(e) is to be the only examination of the feasibility of a telephone verification system involving the social security number, account card, and data collected using the social security number and card.

B. Use of Social Security Cards

The Senate bill allowed the use of current and previous government-issued social security cards as proof of employment authorization in the U.S., allowed the President to require (without notice to Congress) universal use of the current social security card for employment authorization, allowed the President to make changes in the current version of the social security card after 60 days notices to Congress, and allowed the President to require a new card, document, or other system to be presented for worker verification after two years' notice to Congress and specific Congressional appropriations for the change.

The House amendment allowed the use of current and previous government-issued social security cards as proof of employment authorization in the United States.

The conference substitute requires the President to provide one year's notice to

Congress before instituting any change in the social security card (including a requirement that current social security cards be universally used for employment authorization), and requires Congress to specifically appropriate funds for any such change.

INS FUNDING FOR ENFORCEMENT AND SERVICES

The Senate bill provided a two-year authorization of appropriations for the Immigration and Naturalization Service as follows: $340 million for fiscal year 1987 and $330 million for fiscal year 1988.

The House amendment provided a two-year supplemental authorization of appropriations for the Immigration and Naturalization Service as follows: $422 million for fiscal year 1986 and $419 million for fiscal year 1987. The amendment also authorizes, for fiscal years 1987 through 1989, such sums as may be necessary to provide for an increase in border patrol personnel so that the average level of such personnel is 50% higher than such level in fiscal year 1984.

The Conference substitute provides supplemental authorizations at the House levels for fiscal years 1987 and 1988. Within these levels the conferees were aware that at least $184 million was to be expended on enhanced enforcement efforts. The Conferees agree as to the need for sufficient funding to ensure a 50 percent increase in border patrol personnel in accordance with the House provision.

IMMIGRATION EMERGENCIES

The Senate bill established a revolving fund to provide assistance in the case of an immigration emergency.

The House amendment required the Attorney General to develop a contingency plan for operation in an immigration emergency and established a fund to be used for assistance.

The Conference substitute adopts the Senate provision but deletes the revolving nature of the emergency fund. The Conference substitute deletes the requirement that the Attorney General develop a contingency plan because it is the Conferees' understanding that a plan has already been developed.

SAVE PROGRAM

A. GENERAL REQUIREMENTS

The Senate bill required States to verify, through INS computer records, the legal status of all aliens applying for benefits under certain programs of public assistance.

The House amendment required States to verify, through INS computer records, the legal status of all aliens applying for benefits under certain programs of public assistance, and allowed a waiver to be granted, upon recommendation of the appropriate Secretary, for covered programs where a particular verification program would not be cost-effective or would be redundant.

The Conference substitute adopts the House provision.

B. PROGRAM INFRASTRUCTURE

The Senate bill reimbursed state governments for 90% of the non-labor costs of the SAVE program, and applied the verification requirements to the AFDC, Medicaid, Unemployment Compensation, Food Stamp, and SSI programs.

The House amendment reimbursed state governments for 100% of the total costs of the SAVE program, applied the verification requirements to the AFC, Medicaid, Unemployment Compensation, Food Stamp, Housing Assistance, and Higher Education programs, and provided for a hearing process in the case of an applicant with an unresolved immigration status.

The conference substitute adopts the House provision.

LEGALIZATION

The Senate bill created a Commission to study enforcement measures designed to curtail employment of undocumented aliens and issue a finding on whether effective enforcement measures have been instituted. It granted temporary status to aliens who entered the United States illegally or fell into illegal status prior to January 1, 1980 and who have resided continuously in the United States since then only when the Commission issues its finding, or after three years, whichever is earlier. It adjusted the status of these people to permanent residence after two and one-half years of temporary status upon a showing of general admissibility and basic citizenship skills.

The House amendment provided temporary status to aliens who entered the United States illegally or fell into illegal status prior to January 1, 1982 and who have resided continuously in the United States since then. It adjusted the status of these people to permanent residence after one year of temporary status upon a showing of general admissibility and basic citizenship skills.

The Conference substitute adopts the House provision (including the 1982 date) with an amendment making the period of time spent in temporary status eighteen months.

LEGALIZATION APPLICATION FEES

The Senate bill provided a minimum fee of $100 per alien to file an application for legalization.

The House amendment established a maximum fee of $75 for individuals and $175 for families.

The Conference substitute requires the Attorney General to prescribe a fee schedule for the filing of applications under the legalization program. It is the understanding of the Conferees that the fee level should be sufficient to cover the costs of processing applications and should be comparable to those charged for aliens seeking entry into the United States as immigrants.

LEGALIZATION DOCUMENTS EVIDENCING EMPLOYMENT

The Senate bill required legalization applicants to submit documents to support continuous residence, together with independent corroboration of the information contained in the documents, which documents should be employment-related if available and obtainable by the applicant.

The House amendment contained no comparable provision.

The Conference substitute adopts the Senate provision. The Conferees prefer the use of employment-related documents whenever possible, because this type of documentation is viewed as the "best evidence" of continuous residence. The employment-related documents need not be provided only by the employer, and independent corroboration of the information contained may be in the form of affidavits.

DISSEMINATION OF INFORMATION ON LEGALIZATION

The Senate bill provided that the Attorney General, in cooperation with qualified organizations and governments and the Secretary of Labor, shall broadly disseminate information respecting the benefits aliens may receive under the legalization program and the requirements to obtain such benefits.

The House amendment provided that the Attorney General, in cooperation with designated agencies, organizations and persons, shall broadly disseminate in English and other appropriate languages information respecting the benefits aliens may receive under the legalization program and the requirements to obtain such benefits.

The Conference substitute adopts the House language, but deletes "in English and other appropriate languages." It is in the intent of the Conferees that such information include: (1) information respecting the requirements that aliens with lawful temporary residence status would have to meet to have their status adjusted to permanent resident status and the facilities available to provide education and employment training and opportunities in order to meet such requirements; (2) information on the conditions under which temporary lawful residence status can be rescinded; (3) information on conditions for employment and foreign travel of aliens with lawful temporary residence status; and (4) information respecting compulsory school enrollment requirements for minors in the various States and localities and the identification of the appropriate schools in which children should be enrolled.

LEGALIZATION FUNDING

The Senate bill provided for a capped entitlement (subject to appropriations) of $3 billion over six years. Legalization funds were authorized to be used for state costs incurred due to the participation of legalized aliens in programs of public assistance. Except for a small number of PRUCOL aliens currently receiving SSI, the Senate bill disqualified all newly legalized aliens from federal programs of public assistance for six years.

The House amendment provided for 100% federal reimbursement (subject to appropriations) of state costs incurred due to the legalization program. The funds were authorized to be used for state programs of public assistance, programs of public health assistance, and local educational agency services. All legalized aliens were disqualified for five years from all federal programs of public assistance, except for SSI and Medicaid in certain circumstances.

The conference substitute provides for an immediate appropriation of $1 billion for each of the four fiscal years beginning in 1988 and ending in 1991. Unused funds may be expended by states through FY 1994. Federal costs related to the exceptions in Medicaid and SSI are subtracted from the annual appropriation. The Secretary of HHS is to provide the states with payments to reimburse their legalization costs based on a formula that includes the number of legalized aliens in a state and the amount of money a state expends on such aliens. The States may use the funds to reimburse costs under programs of public assistance, programs of public health assistance, and services provided by local educational agencies. Also, 30% of a state's allotment must be equally divided between the three programs mentioned above, except that no program may be reimbursed for more than actual costs. The remaining 70% of a state's allotment may be used at a state's discretion among the programs previously mentioned.

TEMPORARY AGRICULTURAL WORKERS AND AGRICULTURAL COMMISSION

The Senator bill created a new nonimmigrant category for the admission of foreign temporary agricultural workers. Under the Senate bill, such workers would no longer be admitted under the "H" nonimmigrant category, but instead under the newly created program, a variety of provisions outlining the responsibilities and rights of such workers, and agricultural employers wishing to employ, or employing them were contained in the Senate bill. The Senate bill also created a Commission to study agricultural worker issues.

The House amendment created a new nonimmigrant subcategory, H-2A, for the ad-

mission of foreign temporary agricultural workers. The House amendment outlined the various rights and responsibilities of the various parties under the program and also created a Commission to study agricultural worker issues.

The Conference substitute adopts the House provisions.

LEGAL SERVICES FOR H-2 WORKERS

The House amendment specified that nonimmigrant workers admitted or permitted to remain in the United States for agricultural labor or services shall be treated like lawful permanent resident aliens for purposes of eligibility for legal services under the Legal Services Corporation Act

The Senate bill contained no comparable provision.

The Conference substitute provides that such foreign agricultural workers will be eligible for legal services.

Legal services are to be made available to H-2 aliens with regard to housing, wages, transportation and other conditions of employment under their H-2 contract. Legal services are not meant to be an organizing tool in behalf of farm workers and is not meant to be used in order to harass growers. It is the intent of the Conferees that contracts entered into shall not violate any provision of the Immigration and Nationality Act authorizing the H-2 program or any regulations issued pursuant to that Act. Further, the Conferees intend that the Conference substitute will secure the rights of H-2 agricultural workers under the specific contract under which they were admitted to this country.

AGRICULTURAL LABOR TRANSITION PROGRAM

The Senate bill established a three-year agricultural labor transition program during which an agricultural employer would be permitted, on a declining percentage basis, to meet his non-domestic seasonal agricultural worker needs with transition workers. Undocumented aliens who met certain enumerated requirements would be eligible to apply for transition worker status.

The House amendment contained no comparable provision.

The Conference substitute adopts the House position, thereby deleting the provision.

ALIEN CREW MEMBERS

The House amendment prohibited the admission of nonimmigrant alien crew members to perform services at a time when there is a strike in the bargaining unit of the employer in which the alien intends to perform such service.

The Senate bill contained no comparable provision.

The Conference substitute adopts the House provision but only places a one-year moratorium on the admission of such crew members. The Conferees agree that this is an important issue and intend that Congress study and investigate the issue during the one-year moratorium period.

SEASONAL AGRICULTURAL WORKERS

The Senate bill created a three-year program for the annual admission of up to 350,000 nonimmigrant workers to perform seasonal agricultural services in perishable commodities. The House bill required employers wishing to utilize the service of such workers to make a good faith effort to recruit domestic workers. Taking into account these efforts, the historical employment need of employers for seasonal agricultural labor in perishable commodities, and the availability of domestic workers, the Attorney General would admit, subject to the cap, the number of workers needed. Such workers would not be permitted to accept employment not involving seasonal agricultural services and would not be eligible for programs of public assistance.

The Hoouse amendment created a seven-year program for the adjustment and admission of foreign agricultural workers to meet U.S. grower labor needs regarding perishable commodities. Under this program, two groups of agricultural workers would be adjusted or admitted: seasonal agricultural workers and replenishment agricultural workers.

Regarding seasonal agricultural workers, the House amendment provided that an alien who had worked 90 man-days in perishable agriculture during the 12-month period ending May 1, 1986 could apply for lawful temporary resident status in the United States. Such aliens would remain in temporary status for two years at which point they could apply for adjustment to lawful permanent resident status.

Aliens who had met not only the 90-day requirement (described above) but had also performed 90 man-days of perishable agricultural labor (1) during the twelve-month period ending May 1, 1985, and (2) during the twelve-month period ending May 1, 1984, would remain in temporary status for one year before being allowed to apply for adjustment to lawful permanent resident status. The number of aliens who would be granted such one-year temporary status would be capped at 350,000. Further, such individuals would not be eligible to receive Aid to Families with Dependent Children for five years and would have limited access to Medicaid benefits.

Regarding replenishment agricultural workers, the House amendment provided that in the event of a shortage of workers to perform seasonal agricultural labor in the United States in a particular year (such question as to the existence or extent of the shortage to be determined jointly by the Secretaries of Labor and Agriculture) additional alien workers to perform such labor could be admitted. The replenishment program would last from fiscal year 1990 through 1993. The maximum number of replenishment workers admissible in any such year would be based on a formula that takes into account the number of seasonal agricultural workers originally adjusted.

Replenishment workers would receive three years of temporary resident status and would be required to perform at least 90-man-days of labor in seasonal agricultural labor in each of those years. Upon completion of these requirements, such workers would be eligible to apply for adjustment to lawful permanent resident status. In order to become naturalized U.S. citizens, such workers would be required to meet the above described labor requirements for an additional two years. Replenishment workers would be disqualified for five years—and with the exception of eligibility under the Food Stamp Act—to the same extent as newly legalized aliens, from receiving public assistance.

The Conference substitute adopts the House provision.

It is the intent of the Conferees that the residence requirement for special agricultural workers does not require that a prospective special agricultural worker had to have been continuously resident in the U.S. in order to qualify for such status, nor that such a worker have only been present for the manday per year requirement, but instead that the conferees intend "resided" to mean 6 months per year, in the aggregate, in the U.S. for the "Group 1" workers, and 5 months, in the aggregate, in the U.S. between May 1985 and the date of enactment for "Group 2" workers.

Special agricultural workers (SAWs) who might otherwise be excluded as public charges under section 212(a)(15) of the Immigration and Nationality Act may nonetheless be admitted if they satisfy the special rule for determination of public charge under section 210(c)(2)(C). For the purpose of the special rule for SAWs, the requirement of a history of employment in the United States can be satisfied by evaluating whether the individual in question meets the eligibility standards to become a Group 1 or Group 2 SAW.

For replenishment agricultural workers (RAWs), they may also demonstrate a history of employment in the United States under the special rule. RAW admissions are triggered by a determination that a shortage of SAWs exist. This determination may served, as evidence that employment is available to qualifying aliens entering as RAWs and, as such, they would not likely become public charges.

It is the intent of the Conferees that, for the purposes of calculating the annual numerical limitation on replenishment agricultural workers admissions (section 210(A)(c)(1), the term "at any time" means the number of workers who have worked at least 15 man-days in seasonal agriculture. This more accurately reflects the fact that those counted as working in agriculture for purposes of the Annual Census survey have worked in agriculture for some measurable period. To count those working a lesser period of time would inaccurately suggest that fewer replenishment workers are required than is actually the case.

Under subsection (d) of new section 210 of the House amendment the managers provide for a temporary stay of deportation or exclusion for certain applicants who can establish a nonfrivolous case of eligibility for adjustment of status under subsection (a). The Conferees intend that the Immigration and Naturalization Service allow aliens to make a declaration, under penalty of perjury and under such terms and conditions that the Attorney General may by regulation provide, (i) attesting that they have in fact worked the requisite number of man-days required; (ii) identifying the type or nature of documentation they intend to adduce to make the necessary showing, (although this shall not limit their rights to produce other evidence at a later date), (iii) acknowledging that false statements concerning their eligibility constitute a violation of title 18 U.S.C., and may make them ineligible for this program and, further, subject to deportation or exclusion, and (iv) identifying their current or immediate past employer(s). The Conferees intend that INS not go beyond these criteria in seeking to determine whether an alien has made a nonfrivolous case for eligibility. To do otherwise may undermine the purposes of this section, viz., to encourage undocumented workers to come forward and seek to obtain legal status.

For purposes of interpretation of the requirements of subparagraph (3)(B) of subsection (b) of new section 210, the managers intent is that the standards embodied in Fair Labor Standards Act caselaw govern. The Conferees note that in a line of cases 1 leading from *Anderson* v. *Mt. Clemens Pottery Co.*, 66 S.Ct. 1187 (1946), (including cases which specifically address the unique documentation of work history problems in the agriculture, such as *Beliz* v. *W.H. McLeod Co.*, 765 F.2d 1317 (1985)), courts have dealt with fact patterns involving employee loss of records, destruction or falsification of records by employers, and other difficult circumstances where precise evidence of hours worked is lacking.

This problem is compounded in agriculture, where pay records may only show

piece rate units completed. While this Act will require evidence of hours worked, the lack of hourly records for agricultural employees (which could result from small employer exemptions from wage and hour laws as well as from employment by farm labor contractors or others whose recordkeeping practices are deficient), has led the Conferees to conclude that fairness dictates they create a presumption in favor of worker evidence, unless disproved by specific evidence adduced by the Attorney General. This approach rejects any possibility that a mechanistic formula for translating piece rate units picked into hours worked could satisfy this subsection's requirements. Rather the Conferees intend the experience gained under the Fair Labor Standards Act to govern. If an alien is able to produce evidence showing only piece rate units picked, then any day on which piece rate work was performed shall be deemed to satisfy the man-day requirements to this Act.

The Conferees intend that individuals admitted under sections 302 and 303 of the House amendment as temporary or permanent resident aliens be considered United States workers for purposes of Section 301 of the House amendment.

ADDITIONAL IMMIGRANT VISAS FOR CERTAIN COUNTRIES

The House amendment provided that when the annual admission level of a country is lower than ¾ of the average annual visas used during 1955–1965, then the difference shall be available for use in the next fiscal year. That total, however, could not exceed 7,500.

The Senate bill contained no comparable provision.

The Conference substitute allows an additional 5,000 visas per year for two years over the ceiling in the non-preference category with preference being granted to those countries which enjoyed favorable quotas and/or whose nationals received significant numbers of visas prior to the 1965 amendments to the immigration law. The Conferees direct the Secretary of State to establish an orderly mechanism for distribution of visas under this provision. The Conferees note that the Committees on the Judiciary of both Houses have commenced studies on possible changes to the legal immigration system and, because statutory revisions are anticipated, additional immigrant visas under this section are limited to a two year period. The Conferees strongly recommend that these Committees continue to expeditiously review the entire subject of legal immigration including the issues addressed by this particular provision.

UNITED STATES-MEXICO BORDER REVITALIZATION

Section 407 of the House amendment authorized the President to negotiate with the Government of Mexico on the establishment of a free trade and co-production zone as a first step to achieving a U.S.-Mexico free trade area, and to report to the Congress on the progress and any changes in legislation recommended.

The Senate bill contained no comparable provision.

The Conference substitute adopts the Senate position, thereby deleting the provision from the bill.

The House Conferees, in agreeing to recede on the House amendment, urge the Committee on Ways and Means to hold hearings on this matter next year.

SUSPENSION OF DEPORTATION FOR NATIONALS OF CERTAIN COUNTRIES

The House amendment contained a provision suspending deportation of nationals of El Salvador and Nicaragua pending a final report by the Comptroller General on general conditions in those countries and the conditions of displaced persons from those countries.

The Senate bill has no comparable provision.

The Conference substitute deletes the provision. The Conferees believe that deportations should be suspended on a case-by-case basis in cases such as El Salvador where natural disasters have added to other societal problems in a manner which adds significantly to the difficulties inherent in the resettlement of deportees.

Nothing in this statement is intended to set a precedent for ignoring the basic standards set forth in the Refugee Act of 1980.

The Conferees strongly recommended that Congress consider and take up this issue expeditiously next Congress.

SENSE OF CONGRESS REGARDING ENGLISH LANGUAGE

The Senate bill contained a Sense of Congress provision that English is the official language of the United States.

The House amendment contained no comparable provision.

The Conference substitute deletes the Senate provision. By deleting the provision the Conferees do not do so lightly. The Conferees recognizes the importance of this issue and strongly recommend that Congress should address this issue in the next Congress.

From the Committee on the Judiciary:
For consideration of the entire Senate bill and House amendments:

PETER W. RODINO, Jr.,
ROBERT W. KASTENMEIER,
JOHN F. SEIBERLING,
ROMANO L. MAZZOLI,
MIKE SYNAR,
BARNEY FRANK,
CHARLES E. SCHUMER,
LAWRENCE J. SMITH,
HOWARD L. BERMAN,
RICK BOUCHER,
JOHN BRYANT,
HAMILTON FISH, JR.,
CARLOS J. MOORHEAD,
DANIEL E. LUNGREN,
BILL MCCOLLUM,
E. CLAY SHAW, JR.,
MIKE DEWINE,

From the Committee on Agriculture:
Solely for consideration of sections 121-125, 202(h), 203, and 304 of the Senate bill and sections 116, 121, 204, 301-305, and 701 of the House amendments:

LEON E. PANETTA,
JERRY HUCKABY,
SID MORRISON,

From the Committee on Education and Labor:
Solely for consideration of sections 101(d), 121-125, 202(h), 203, 304, 402, and 604 of the Senate bill and sections 101, 121, 201(h), 204, 301-305, 316(d), 402, 403, and 701 of the House amendments:

WILLIAM D. FORD,
JAMES M. JEFFORDS,

From the Committee on Energy and Commerce:
Solely for consideration of sections 125(b), 202(h), 203, 304, and 404 of the Senate bill and sections 121, 201(d), 201(h), 204, 404, and that portion of section 302(a) inserting subsection 210(f) in the Immigration and Nationality Act:

JOHN D. DINGELL,
HENRY A. WAXMAN,
WILLIAM E. DANNEMEYER,

From the Committee on Ways and Means:
Solely for consideration of sections 121(a), 121(g), 121(h), 124(c), 125(b), 202(h), 203, 304, 404, and 602 of the Senate bill and sections 121, 201(h), 204, 302(b), 402, 404, 407, 601, 701, and that portion of section 302(a) inserting subsection 210(f) in the Immigration and Nationality Act:

HAROLD FORD,
DONALD J. PEASE,

From the Committee on Rules:
Solely for consideration of section 604(b) of the Senate bill and section 811 of the House amendments and modifications committed to Conference:

ANTHONY C. BEILENSON,
GENE TAYLOR,
Managers on the Part of the House.

STROM THURMOND,
AL SIMPSON,
JEREMIAH DENTON,
CHARLES MCC. MATHIAS, JR.,
EDWARD M. KENNEDY,
PAUL SIMON,
HOWARD M. METZENBAUM,
Managers on the Part of the Senate.

Mr. SCHUMER. I thank the gentleman.

Mr. GINGRICH. I might say in passing by the way, that this is a very important act the gentleman has submitted the conference report on, a very major achievement of this Congress and one of the things for which this Congress will be remembered, and I commend the gentlemen who are here today for sticking to it when it must have been very, very frustrating.

Mr. SCHUMER. On behalf of the gentleman from New Jersey [Mr. RODINO] the chairman of the Committee on the Judiciary, and I know all the members of the committee, we thank the gentleman for his kind words.

Mr. GINGRICH. The question is, in this setting and I think Chairman Fahrenkopf put it very correctly: It is wrong in the denial of our civil liberties for those of us who are legally registered, honest citizens when we go to vote to have our votes cancelled out by vote theft, by vote fraud. It is wrong for an expressway to outvote an American citizen. It is wrong for a vacant building to outvote an American citizen. This entire issue—I yield to the gentleman.

Mr. WALKER. I just wanted to point out the interesting thing about the suit would be that it is awfully hard to intimidate a dead person. Death has a number of negative things that can be said about it, but the fact is that you do become relieved of any threat of intimidation at that point. And the suit would become silly on its face when one realizes that the contention is that somehow dead people are being intimidated because that is the essence of what the Republicans are attempting to do with their antifraud campaign; that really does, I think, call the whole suit and the whole action by the Democrats into an awful lot of question.

Mr. GINGRICH. Well, let me move in that sense to the Louisiana case, where sending out letters found 31,000 questionable voters.

I want to cite from the Ballot Integrity Group, Inc., first in New Orleans, a series of examples of what we are

talking about. These are specific field investigative reports in which investigators went out to the address as cited and looked to see what was there.

Marlene J. Vincent, 1711 Behrman, this was the investigator's report: The address of 1711 Behrman corresponds to a vacant lot. House addresses on the 1700 block of Behrman begin with the address of 1729. The 1600 block of Behrman ends with the address 1625. Marlene J. Vincent voted March 1, 1986.

James Nettles, 1317 Music Street. Investigators report at this location no structure for dwelling. Junk autos on this vacant lot. Last voted March 1, 1986.

Possible photo attached. They attached a photo to their report of what the vacant lot looks like.

Next Winold Harris, 1732 Touro Street. The interview was conducted September 12, 1986 at 4:25. Marian Mitchell interviewed at the location related that she lived at the location for the past 4 years and has never heard of the voter. Last voted March 1, 1986.

Kevin Harris, 1624 Hendee. Investigators report: No such address of 1624 Hendee could be found. The sides of buildings located at 1804 Bringier and 1801 Lawrence occupied the closest proximity for such an address. Kevin Harris voted March 1, 1986.

Corliss Camel, 1928 Frenchman Street. Comments: Glenda Robinson resides at address for past 4 years. Never heard of Corliss Camel. Last voted March 1, 1986.

Freddie Morton, Jr., 2033 Upper Line Street. I might say that when I went to Tulane I lived at Lower Line. So some of these streets bring back fond memories.

Investigators report: Spoke to Mrs. Weber at 2030 who stated Mr. Morton has been gone for 4 years or better. A Mr. Brown now resides there. No answer at 2033. Voted March 1, 1986.

Myra Wright, 2427 Pauger Street. Interview September 12, 1986. Stoney Yannsen who resides at 2423 Pauger interviewed, related she knew voter, however voter moved approximately 3 years ago. Voter last voted March 1, 1986.

Theodore Robinson, 2859 Dryades. Spoke to a Mrs. Washington at 2856 who stated no one has lived there for 2 years. She did not know subject. Front door padlocked. Voted March 1, 1986.

Rite Mae Batiste, 2118 Josephine. Investigators report says that Rhette Parker of 2118 Josephine stated that she has lived at her present address for 9 years and Rite Mae Batiste has not resided there. Rite Mae Batiste voted March 1, 1986.

Dawn McGuffey, 1008 Valence Street, interviewed September 13, 1986 stated: Mrs. Coleman, the interviewee, current residence of location related the following: That voter moved from location 4 years ago.

Date last voted March 1, 1986.

Urachel Lewis, 1007½ Valence. The interview was on September 13, 1986. Mrs. Coleman of 1008 Valence interviewed and related the following, that voter moved from location 3 years ago.

Date last voted, March 1, 1986.

Richard Harrison, 5210 East Lemans. Mrs. Barth, current resident related that voter moved from location 9 years ago. Last voted 1986.

Cora Sheffield, 1714 Touro Street. Investigators report: Mildred Kemp resides at 1712 Toruo Street, related that voter moved from address at least 4 to 5 years ago. Date last voted, March 1, 1986.

Let us shift parishes, that is, after all, New Orleans, a big city. Let us go to Rapides Parish.

Rapides, investigator goes out and investigates: Mary Smith, 812 Compton Street. Report: Present occupant Williester Sanders stated above subject moved over 8 years ago. Subject last voted 1986.

Lawrence Coaty, 1512 Levin Street. Investigators report: There is no such address. Location is a fenced-in empty lot in between two other residences. There never was a house or residence on 1512. Subject last voted 1986.

Doreatha Watson, 315 Marye Court. Present occupant, Tina Johnson, advised subject moved over 1 year ago. Subject last voted 1986.

Annie Fells, 4023 North. Investigators report: North Street ends with 3617. No such address. Picture No. 10 shows 3617 North. Subject last voted 1986.

Notice in that instance, by the way, there is not even physically an address, and they are voting.

James Stovall, 725 Maple Street. Investigators report: Occupant of above address, Rosie Jackson, stated that above subject used to own the grocery up front—T's Grocery—but never lived there. Furthermore, the store has been closed for at least 2 years. Subject last voted 1986.

Frankie Brown, 1709 Houston Street. Investigators report: Houston Street begins in the 1900 block. No such address at 1709. Subject last voted 1986.

Rufus Williams, 3635 Jones Street. Investigators report: No such address. Street numbers end at 3633 Jones. Subject last voted 1986.

Joann Brown, 503 St. Ann Street. Investigators report: Observed vacant lots where 500 block of St. Ann once was. Land purchased by Rapides General Hospital years ago. Photos taken. Subject last voted 1986.

Charlotte W. Heagword, 1628 Harris Street.

Investigators report: Harris Street begins in the 1800 block. No such address. Subject last voted 1986.

Cleveland Obey, 812 Lafitte Street. Report: Vacant house at above address. Matthew Brown said Mr. Obey has not lived there in 7 or 8 years.

Subject last voted in 1986.

Alma Nelson, 1817 Mason. Houses number from 1813 to 1821. No house or lot by 1817. Subject last voted in 1986.

Now let us shift to the city of Alexandria.

Ernest T. Davis, 4401 Rosa Street. Report: Rose Mae Ward has lived at 4402 for 20 years. She has never heard of Ernest Davis. 4401 is an empty lot. Subject last voted 1988.

Nancy McNeal, 203 Tulane.

Report: No such address. Tulane begins at intersection with Clinton Street in the 2100 block.

Subject last voted 1986.

Russell Moses, 1829 Wise Street. No lot or house at that address. The last house on that street is 1827 Wise. Subject last voted 1986.

Chester Pugh, 1402 Rapides Avenue.

Report: Observed well-grown-over vacant lot where 1400 block of Rapides was before land was cleared for interstate years ago. Subject last voted in 1986.

Barbara Smith, 3419 Elliott Street. Report: According to resident homeowner, Mr. Clarence Slack, he has lived at the above location since 1952 and never heard of any Smith.

Subject last voted in 1986.

Let me point out to my colleagues: Mr. Slack has been at this location for 34 years. And the person has been voting, claiming to live there, and he does not know who they are.

Josie Cowan, 4519 New York Avenue. Report: I-49 demolition, no houses at all for years. Subject last voted in 1986. In other words, in Louisiana we now match our earlier discovery in Indiana of an expressway being allowed to vote.

Now I serve, I might say, on the Surface Transportation Subcommittee. I believe in highways. I have helped finance highways. But it never occurred to me that a highway has a right to vote. But then I may be narrow-minded.

I will be glad to yield to my friend.

Mr. WALKER. I thank the gentleman for yielding because I think the gentleman does point out something which is very interesting. This has not been an isolated matter. The gentleman has pointed out that in Indiana we had an expressway that voted there. Now he has pointed out that in Louisiana an expressway voted. He pointed out in Indiana vacant lots were voting. He has pointed out in Louisiana that vacant lots are voting. We have added in Louisiana now that nonexistent addresses are voting. I think we also established that in Indiana they had nonexistent addresses, too, or was that Michigan? I guess it was Michigan.

Mr. GINGRICH. Michigan.

Mr. WALKER. Michigan then that had some nonexistent addresses that were on the voter rolls. I mean, we really are dealing with a pattern here, and one has to guess that if someone has lived in a place for 32 years and does not know the voters who are

being identified are either nonexistent or perhaps a dead one there.

Mr. GINGRICH. Let me just close with two more examples and then summarize, I think, the major point.

Mr. WALKER. If the gentleman would yield, none of these vacant lots were cemeteries, were they? I mean, it has been a long tradition in machine politics to vote cemeteries. Have we voted a cemetery? They could be voting all kinds of people out of cemeteries.

□ 2100

Mr. GINGRICH. Historically, though, I might say to my friend, as I remember the history of the city machine in Chicago, they vote dead people but not cemeteries. That is they almost never cite the geographic address of the cemetery as the place that is voting. They cite the last residence of the dead person they are voting. But as a general rule, when you talk about voting graves, they are actually voting the individuals usually at their last place of residence.

Mr. WALKER. They do not want one of these investigators to go out and actually find the cemetery and look for the tombstone.

Mr. GINGRICH. They do not vote them quite that way.

Mr. WALKER. They think that that might be a real indication of fraud and they might not even be able to take that case into Federal court; is that what the gentleman is contending?

Mr. GINGRICH. I do not know, and it would be interesting under the Guiness Book of Records to see what is the record for the person who has voted most often after death or the person who voted the longest after dying. I am not sure Chicago holds that record, but Louisiana certainly seems to be in competition. Indiana has not entered into it.

But the point I think is that this is all real. This is not some made up partisan gimmick. What I am reading here is the Ballot Integrity Group's report on physically visiting locations.

Let me read two more and then I will summarize.

"Jane Powell, 1881 Harris Street. Investigator's report: George Smith, Jr. has lived here for 4 months. A neighbor three doors down gave this information: 'Sarah Green says that Jane Powell moved over ten (10) years ago.' Last voted 1986."

Finally, "Ossie M. Monk, 2219 Houston Street. Investigator's report: 'Florida Mini, Mildred Johnson, Reginald Johnson have lived here for 40 years. They do not know Ossie Monk.' Subject last voted 1986."

Now I think we have cited from Michigan, from the U.S. attorney in Illinois, from Indiana and from Louisiana enough cases that every American who cares about honest elections should have some concern, and that every one of our liberal Democrats who express such pious outrage about vote theft in the Philippines should recognize that vote theft in Louisiana, vote theft in Michigan, vote theft in Indiana, vote theft in Illinois are at least as great a danger to American freedom.

Furthermore, let me make three quick points. First, votes matter. The largest spending bill in the history of the world passed this House several weeks ago by one vote. And there is at least one seat in this House that, in my judgment, clearly would not be occupied with the Democrat who voted for that bill if dead people had not been voting.

Second, every American has the civil right to have their vote count honestly. If a living American who is legally registered walks down to vote and the local Democratic machines cancels their vote with a stolen vote, with a fraudulent vote or with the vote of a dead person, the civil right of that American to have an honest election and have their voice count is crushed. It is gone.

Third, there should be a bipartisan effort to clean up the voting rolls and to insist that in Federal elections we have honest rolls going into the election. There should not be people who moved away 10 years ago or 40 years ago. There should not be people for vacant lots. There should not be votes for expressways. There should not be votes for people who died.

Let me make one other comment, because I guess it was the most outrageous part of the Democrats' effort to cover up their vote theft and their machine politics.

No group in America is greater penalized by the machine using illegal votes than rising young blacks who want to live in an honest city, in an honest precinct, in an honest neighborhood. Those votes are not just voted against Republicans in the general election, as some of our Democratic friends seem to think. Those votes are voted by the machine in the primary against the local reformer. Those votes are voted in favor of the old hack who runs the country government or who runs the local judgeship or who runs the sheriff's office against that young person who is out there trying to reform. It is blacks who are peculiarly affected because they tend to live in the inner cities where the machines are dominant, they tend to live in the rural parishes where the machines are dominant.

I think it is a very sad commentary when so-called liberal Democrats in this House prove that they are in fact machine Democrats because, instead of rising up as good liberals and saying, "Let's clean up the elections so that reform citizens who happen to be black can have a chance to vote," they rise up and say, "How dare you try to clean up those polls. How dare you try to clean off the expressway that voted last year, the vacant lot that voted, the dead person that voted."

I think it is an assault on those black voters who want honest elections when a Democrat claims that they are defending the right to steal in the name of civil rights. I think every American citizen has the civil right to have their vote counted honestly and to have it counted in an election where there is no illegal voting. I hope this Congress will adopt a law which requires a report on how much fraudulent voting there is in America, and I hope we will move to ensure that elections in America are at least as honest as elections in the Philippines, and that no precinct in America has dead people voting, expressways voting and vacant lots voting.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 60 minutes.

[Mr. LAFALCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE WILLIAM F. NICHOLS ROTC CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 10 minutes.

Mr. MONTGOMERY. Mr. Speaker, on Saturday, October 4, I had the opportunity to travel to Auburn, AL, to attend dedication ceremonies of the WILLIAM F. NICHOLS ROTC Center on the campus of Auburn University. Our colleagues EARL HUTTO of Florida, SONNY CALLAHAN of Alabama, and RICHARD RAY of Georgia were also there to join in this fine tribute to BILL NICHOLS.

The $1.9 million center will support the military ROTC programs of the Army, Navy, and Air Force at Auburn University. These programs have a fine tradition at Auburn. Each program ranks in the top 10 of its respective service nationwide.

An additional honor was the dedication of a portrait of BILL NICHOLS, which will hang in the lobby of the center.

BILL NICHOLS is a great American and this is a very fitting tribute for someone who has done so much here in the Congress to help strengthen our national defense. He is also very proud of his alma mater. I know what a thrill it was for BILL to have this great facility named in his honor and to see his portrait hanging in the center.

I want to share with my colleagues the remarks he made at the dedication ceremonies:

REMARKS OF BILL NICHOLS AT DEDICATION OF WILLIAM F. NICHOLS ROTC CENTER

Some weeks ago when vice chairman of the Auburn Board of Trustees, Henry Steagall, made the surprise announcement at the July Auburn board meeting that this new ROTC building would be named the William F. Nichols ROTC Center, I was ill prepared to respond. My response was simply that never in my wildest imagination when I came to Alabama Polytechnic Institute on a football scholarship and elected to continue ROTC beyond the required 2 years that if anyone had suggested that a half a century later this edifice would be named for me I would have said such person would be a fit candidate for Bryce hospital and to

use an old country expression "He ought to be bored for the hollow horn".

First, let me express my thanks to a number of people who made this important day in my life possible beginning with my colleagues on the Auburn Board of Trustees, who by resolution elected to name this newest Auburn facility in my honor.

Then I would certainly wish to thank those who, through their financial means, have made possible the portrait which will hang in the foyer of this building for some grandchild or great-grandchild perhaps one day to see.

Then to my colleagues in the Congress, Congressman SONNY MONTGOMERY from Mississippi who is a retired major general in the Mississippi National Guard; Congressman RICHARD RAY who ably represents the Columbus, Georgia area, my Alabama colleague SONNY CALLAHAN from Mobile and from the Pensacola-Panama City area of Florida Congressman EARL HUTTO.

And to those special friends who have come to be with me and my family on the significant occasion in our lives and who have had an important part in shaping my life over the years, my Sunday school teacher in the 8th grade, my banker who has suggested that I make it short so he can get to Legion Field by game time and to another friend whose name will go unmentioned who has reminded me he needs to get to a dove hunt in Mobile county by "the time they start flying".

And to friends who came out on a busy Saturday morning—my former teammates on the Auburn athletic field, a few classmates with whom I drilled in the ROTC unit on the old Bullard field—my roommate in college, Retired Colonel Marion Walker, who made the Army a career, all who make this a memorable occasion.

Then I would like to express my appreciation to another group—to those officers and non-commissioned officers who instilled in my generation those traits of duty, honor, country indelibly imprinted on the lives of those of us who were destined to command troops in World War II, in Korea and in Vietnam.

The lessons I learned from my military instructors have served me well during my service in the military and later in civilian life-lessons taught through the Auburn ROTC program, from men like Colonel Almquist whose son, Elmer, retired a year or so back as a major general and from Captains McKinnon, Jacoby and Kleppinger, who came back to make Auburn his home following his retirement and whose services I attended at Arlington just a few months ago and from Sergeants Fitzpatrick and Moxham in whose home on South Gay I roomed for 3 years while at Auburn.

It was my privilege to serve with Auburn men in combat during World War II—men like Major Ralph Jordan who served with distinction in a combat engineer unit in the South Pacific. Men like Captain Buddy McMahon who was killed in action from a direct hit on his tank in desert fighting in Africa. They were leaders that possessed the qualifications of leadership taught on Bullard Field where the quadrangle now stands and in summer camp near Upatoi creek at Fort Benning where Auburn cadets trained on the old French 75 millimeter artillery pieces pulled by the lead, swing and wheel pair of horses—rather archaic by today's guided missile standards but I am persuaded that the lessons we learned carried over to what ever civilian professional we chose for a livelihood.

Auburn University has a long and proud association with the military going back to the formation of the Auburn guards, who passed in review before Confederate States' President Jefferson Davis at the Auburn railroad station on a cold day in February 1861. Eleven years later in 1872, Auburn students were required under the Land Grant Act to undergo military instruction and the cadets were required to buy their own uniforms at a cost of $43.00, a lot of money in those days. Church parade on Sunday was compulsory and cadets were marched to the church of their denomination.

In 1916 the Reserve Officer Training Corps was established and Auburn was one of the 37 land grant colleges in the United States where ROTC began. Two thousand Auburn alumni served in World War I and our honorary military society, Saber and Blade, was established during the World War II period.

The Auburn ROTC program has consistently produced the highest qualified officer graduates who have served not only as reserve officers but predominantly as regulars in our career officers corps. In the last four years Auburn's Army ROTC program has won more top national awards than any Army ROTC detachment in history.

And so, I accept this building on behalf of more than 6,500 officers who have received commissions through the Auburn military program.

I accept it with the acknowledgement of the 81 Auburn men who have pursued a military career to become general officers. Men like the Army's Lieutenant General Robert Bullard and Brigadier General Proter Grant and Major General Al Harrison. Men like the Marine Corps Lieutenant General Holland M. Smith and four-star General Franklin Hart. Navy Admiral, Henry S. Persons and the Air Force's Brigadier Generals Tom McGee, Joe Stewart, and Reed Doster.

And with grateful appreciation and on a note of sadness I accept this building in behalf of those Auburn men who paid the supreme sacrifice so that we Americans and countless other people throughout the world might escape the bonds of tyranny. It is these men and their counterparts to whom we shall always remain eternally grateful.

THE ISSUE OF THE TAX PLEDGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, over the last couple of weeks, a number of us have attempted to bring to the American people the issue of the tax pledge. The issue of the tax pledge is important in this campaign year because it puts candidates and Congressmen on record as to where they stand on the issue of taxes in the 100th Congress.

Why is that important? Well, because numerous liberal leaders of this Congress have already stood up and said that what this country needs is a good tax increase. What we need to do is raise taxes on the American people to pay for overspending in Washington, that the only way that we can work our way out of our deficit problem in this country is to raise taxes, and that we intend to raise taxes, that everybody with any sense knows that what you have to do is raise taxes.

Out of that kind of statement has grown the feeling that we need to get candidates on record as to where they really stand on that issue. Are they in fact people who come to Washington as taxers, or are they people who will come to Washington with a pledge that they will not raise taxes in the next Congress.

The pledge is basically a fairly simple one. The pledge simply says that this particular candidate, if elected to Congress, or this particular Congress if reelected to Congress, will not vote to raise the individual tax rates that are presently embodied in the tax reform bill that passed this House just a few short weeks ago.

Those rates were 15 and 28 percent on individuals and 34 percent on corporations. The pledge essentially says that we are not going to raise those rates above those levels. It is basically a hold-the-line kind of pledge.

Along with that, we have thought that those people who want to come forward and tell the American people very honestly that they are willing to raise taxes ought to have a chance to take a pledge, too. So in that vein, we have offered not only the no tax pledge, but also the Walter Mondale truth in taxing pledge. That grows out of Walter Mondale's statement at the 1984 San Francisco convention that he was going to raise taxes, he told the American people he was going to raise taxes, and that was that.

Well, there are some people around here who are saying the same thing in essence, and we thought that they ought to be given the chance to take their particular pledge and define for the American people why taxes are good for the country.

I have been disappointed that some of those people who have talked in terms of higher taxes have not seen fit to come forward and actually sign the Mondale truth in taxing pledge. But I would say to my colleagues that opportunity is very much open to them, and we would certainly like to have them tell the American people where they stand on this issue if they would like to do so.

On the other hand, we have had considerable support garnered for the no tax pledge. At the present time, there are numerous Members of Congress who have signed on to this particular pledge. Other Members of Congress are specifically filling out a witness form and sending it in to the Americans for Tax Reform who are running an effort to get the pledge taken in as many congressional districts as possible.

In addition, the legislation that I have placed into the Congress asking that the tax pledge be taken by this Congress as it relates to the next Congress has garnered about 130 signatures at the present time.

□ 2110

So we are very close to having a veto-proof situation in the next Congress. In other words, we would have almost enough names right now on

a "Labor Provision" law to satisfy the needs of the agri-business community and the secondary labor market i.e, restaurants, Tourist related businesses etc

(Simpson Rodino)

The recently passed law, which essentially deals with the regulatory mechanisms to regulate the flow (in and out) of Mexican contract labor, is of major concern to our organization for several reasons. However our principle concern as relates to your position of leadership is the delegation to the INS the responsible role of "defining, interpreting and determing the implementation of S/R Bill.

PAST HISTORY THE POLICE SYSTEM TENDED HAVE WERE NOT REACT HUMANELY WITH PROF. EQUIP TO DEAL SIMPLE APPLICANT FUNCTION REDUCANCE A YEAR BACKLOG POLICE AGENCY NOT AN ADMIN. WOULD YOU OR ANYONE ELSE LIKE THE MILITARY TO RUN THIS COUNTRY SOCIAL SERVICE PROGRAM

I ASK WHAT QUALIF. DOES A MAN LIKE H. EZELL HAVE, FOUGHT FOR ISSUE FAIR, JUST IN THE MOST PROF. HUMANE SENSE THE SEEDS OF FAILURE IF THE INS IS IN CHARGE WE ARE ASKING PEOPLE TO SUBSIDE

CREATED TO KEEP PEOPLE OUT
S/L SUPPOSED WAS LEG. TO BRING
THE 2 ARE INCOMPAT.

DEAL WITH REALITY, CHANGE THE LAW
600 MILLION CHECKBOOK TO CARRY OUT THESE
MAD SCHEMES,
STATE OF FEAR & TERROR AT THE INS
INS IS NOT THE AGENCY TO IMPLEMENT
THIS BILL

Catholic
Community
Services
Diocese of San Diego
349 Cedar Street, San Diego, California 92101-3197
(619) 231-2828

Emergency Services:
Central Office
House of Rachel
Rachel's Women's Center
Ecumenical Service Center
Good Samaritan Shelter

Family Services
Psychological Counseling
Marriage Preparation
Responsible Parenthood
MCRD Family Center
Journey Together
Separated/Divorced Ministry

Maternal/Infant Services
Adoption
Pregnant Women

Padre Serra Center
Training & Employment Division
Central & South Offices

Refugee Resettlement
General
Employment
Health Screening
Immigration
Mental Health
Continental Crafts, Inc.

Senior Services
General
Foster Grandparent Program
Ministry with Disabled People

U.S. Marshal Services
Foster Care
Casa de San Juan

Imperial Valley Services
Emergency Services
House of Hope
Psychological Counseling
Desert Valle Credit Union

DATE: October 28, 1986

TO: Interested Parties

FROM: Rev. Douglas Regin

RE: Immigration Reform

Catholic Community Services (CCS) is coordinating the response of the Diocese of San Diego to the recently passed Immigration legislation. (as of October 28, 1986 this bill had not yet been signed into law by President Reagan). CCS is involved in Immigration services through two programs:

1. Refugee Resettlement Center - 287-9454
   4643 Mission Gorge Place - San Diego

2. Centro de Assuntos Migratorios - 426-6620
   815 Third Ave., Ste 219 - Chula Vista

CCS Proposed Plan:

1. CCS/RR and CAM will cooperate in the provision of services so as to maximize efficiency of service. CAM has offices in the South Bay and in Imperial County. CCS has offices in Central City San Diego and in Oceanside.

2. CCS will contact various pastors in North County, East County and Imperial Valley to obtain space for an office to register/screen eligible clients. (c.f., Attachments)

3. CCS will assist in developing and providing educational Forums on the new law and the process for accessing the legalization component.

4. CCS will evaluate what additional services beyond Screening, Registration and Representation it will offer to the community.

NATIONAL CENTER FOR IMMIGRANTS' RIGHTS
1636 WEST EIGHTH STREET, SUITE 215
LOS ANGELES, CALIFORNIA 90017
(213) 487-2531

IMMIGRATION REFORM AND CONTROL ACT OF 1986
Conference Report (H.Rept. 99-100)
October 14, 1986

TITLE II -- LEGALIZATION

A. Legalization Is a Two-Stage Process.

1. First Stage--Temporary Resident Status
-- Government must establish application process within 6 months of enactment of the bill;
-- Aliens must apply within 12 months of beginning of the application process

2. Second Stage--Permanent Resident Status
--After 18 months as a temporary resident, alien has 12 months to apply for permanent resident status;
--Aliens will lose temporary status (and are deportable) if they fail to apply for or are denied permanent resident status

3. Temporary Stay of Deportation
Before application period: aliens apprehended before the application period begins who can show prima facie eligibility for amnesty
--may not be deported and shall be granted work authorization
--but must apply for temporary status within 30 days of the beginning of the application period

This provision covers all aliens now in INS proceedings; e.g., suspension applicants, asylum applicants, etc., who also qualify for amnesty must apply within 30 days of the beginning of the application period or lose their right to amnesty

After application period begins:
--aliens who present a prima facie application may not be deported and shall be granted work authorization
--aliens subject to an Order to Show Cause must apply within 30 days of the issuance of the OSC

4. No Review of Late-Filed Applications
There is no administrative or judicial review for denials based on late-filed applications.

B. Who Qualifies for Temporary Resident Status?

1. Residence. Aliens will qualify who:
--entered the U.S. before January 1, 1982
--have been "residing continuously" in U.S. unlawfully since January 1, 1982
--have been "continuously present" in U.S. since enactment of the bill

2. Admissibility. The alien must:
a. Be admissible to the U.S. as an immigrant (with certain exceptions to the regular grounds for exclusion, listed below);
b. Have not been convicted of
--any felony, or
--three or more misdemeanors committed in the U.S.
c. Have not assisted in the persecution of others
d. Be registered or is registering for the draft

C. Who Will Qualify for Permanent Resident Status?

1. Residence. Aliens will qualify who:
--have resided continuously in the U.S. since granting of temporary resident status
--Attorney General shall authorize travel abroad for brief and casual trips and brief, temporary trips for family obligations

2. Admissibility. The alien must:
a. Be admissible to the U.S. as an immigrant (with the same exceptions to the regular grounds for exclusion that apply to temporary residents)
b. Have not been convicted of
-any felony, or
-three or more misdemeanors committed in the U.S.

3. Basic citizenship skills. The alien must either:
a. Have the
-- minimal understanding of ordinary English, and
-- knowledge of U.S. history and government
now required for citizenship, or
b. Be taking a course of study (recognized by the Attorney General) for this purpose
c. The citizenship skills requirement can be waived for aliens 65 or older in the Attorney General's discretion

Catholic
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ATTACHMENT 2

Emergency Services:
Central Office
House of Rachel
Rachel's Women's Center
Ecumenical Service Center
Good Samaritan Shelter

Family Services
Psychological Counseling
Marriage Preparation
Responsible Parenthood
MCRD Family Center
Journey Together
Separated/Divorced Ministry

Maternal/Infant Services
Adoption
Pregnant Women

Padre Serra Center
Training & Employment Division
Central & South Offices

Refugee Resettlement
General
Employment
Health Screening
Immigration
Mental Health
Continental Crafts, Inc.

Senior Services
General
Foster Grandparent Program
Ministry with Disabled People

U.S. Marshal Services
Foster Care
Casa de San Juan

Imperial Valley Services
Emergency Services
House of Hope
Psychological Counseling
Desert Valle Credit Union

282-9454

LEGALIZATION ELIGIBILITY

General Requirements:

1. The prospective applicant must have entered the U.S.A. before January 1, 1982.

2. The individual must have had "continuous residence" in the U.S. since January 1, 1982.

   (Continuous Residence - this term will be defined by regulation. Law suggests I.N.S. take into account absences due to brief and casual trips abroad.)

3. The individual must have been in unlawful status since before January 1, 1982.

4. The individual must have continuous physical presence in the U.S. between the date the law is signed and the date some six or more months after the date when the individual applies for legalization.

5. The prospective applicant must be "otherwise admissible" to the U.S. within certain constraints.

6. The prospective applicant must not have been convicted of any felony or of three or more misdemeanors committed in the U.S.

7. Applicant may not have persecuted others.

8. Male applicants between ages 18-21 must register for the draft.

5. CCS will work with the University of San Diego, School of Law and other reputable groups and individuals to provide for timely implementation of this major reform.

Note:

A. Once the bill is signed, undocumented persons who are arrested, can apply for amnesty and receive a temporary stay of deportation.

B. Applicants for Legalization will be required to pay a fee to cover I.N.S. (range $75-$150). This would be in addition to any charges set by the agency or individual filing the client's application.

C. IT IS IMPORTANT THAT PEOPLE BE MADE AWARE THAT THEY HAVE CERTAIN RIGHTS AS A RESULT OF THE PASSAGE OF THE BILL AND ALSO THAT THEY AWAIT CLARIFICATION OF THE IMPLEMENTATION PLAN.

otal
Employee
Relations
Services, Inc.

IMMIGRATION REFORM and

Featuring , Partner
, Partner
LITTLER, MENDELSON, FASTIFF & TICHY
Moderated by , President
TOTAL EMPLOYEE RELATIONS SERVICES, INC.

A COMPREHENSIVE 2½ HOUR SEMINAR ON EMPLOYER LIABILITIES AND COMPLIANCE PROCEDURES

The Immigration Reform and Control Act of 1986 is now law. This new employer-targeted legislation levies **severe penalties** against those who knowingly hire, recruit, or refer for a fee, any alien not authorized by the Act to work in the United States.

Employer compliance and record keeping requirements are extensive and exacting. Employers must now **verify in writing, under penalty of perjury,** the authorized employment status of all new hires. Employees must sign statements and the employer is required to keep these on file to avoid costly penalties for violating newly imposed record keeping requirements.

This seminar will cover employer obligations under the Act; documentation and record keeping requirements; expected Immigration and Naturalization Service activities; review of the complaint, investigation and hearing process and employer compliance timelines. The program will also discuss employer precautions related to discrimination liabilities; the process involved in legalizing eligible aliens; and most importantly, procedures for avoiding employer liabilities.

Finally, we will address the significant employee/labor relations impact of the I.R.C.A. legislation.

December 9, 1986
Red Lion Inn
222 N. Vineyard
Ontario, CA
8:30 A.M.-11:00 A.M.

December 10, 1986
Holiday Inn—Airport
2640 Lakewood Blvd.
Long Beach, CA
8:30 A.M.-11:00 A.M.

December 10, 1986
Grand Hotel
One Hotel Way
Anaheim, CA
2:00 P.M.-4:30 P.M.

December 9, 1986
Airtel Plaza Hotel
7277 Valjean
Van Nuys, CA
2:00 P.M.-4:30 P.M.

December 11, 1986
Sheraton Harbor Island East
1380 Harbor Island Dr.
San Diego, CA
2:00 P.M.-4:30 P.M.

is the Managing Partner of the Los Angeles office of Littler, Mendelson, Fastiff & Tichy exclusively representing employers in all aspects of labor relations and employment law matters. Mr. Millman is a member of the Los Angeles County Bar Association and the American Bar Association, including the Labor Law Section. An enthusiastic speaker, Mr. Millman has lectured extensively on employment and labor law topics for Federal Publications, the American Management Association, the Valley Employers Council and the California Continuing Education of the Bar amongst others. Mr. Millman is a contributing author to THE 1986 EMPLOYER and is the author of AT WILL TERMINATION IN CALIFORNIA.

is a Partner in the San Diego office of Littler, Mendelson, Fastiff & Tichy, exclusively representing employers in all aspects of labor relations and employment law matters including issues related to undocumented workers. He is a member of the San Diego County Bar Association and the American Bar Association, including their Labor Law Sections. Recognized as a leading employer advocate, Mr. Wilson lectures to many employer organizations in the agriculture and construction industries. He is a native of San Diego and a graduate of the University of San Diego School of Law.

, President of Total Employee Relations Services. Mr. Hermann's background stems from 5 years as Director of Personnel for a Fortune 500 company. Additional years of Human Resources Administration were spent as a Labor Relations Specialist with West Coast Industrial Relations Association. For the last several years Mr. Hermann has been C.E.O. of Total Employee Relations Services, Inc.

Impact Upon Employers
of the

Program Content

Definition of unauthorized aliens and authorized aliens
Employers who are exempted by the Act
Enforcement procedures
Compliance timelines for new-hires; impact upon current workforce
Employer education period and 12 month grace period for 1st offenses
Impact upon union and employment agency referrals
Seasonal agricultural worker issues and exemptions

Sample Compliance Procedures Provided

Warning citations for 1st offenses during 12 month grace period
1st offense fine per alien: $250-$2,000
2nd offense fine per alien: $2,000-$5,000:2nd offense defined
3rd offense fine per alien: $3,000-$10,000: 3rd offense defined
"Pattern or Practice" violations: possible six months imprisonment and/or $3,000 fine
Record Keeping violations: $100-$1,000 fine

Types of employee identification and documentation approved by the Act
Written statements signed by the employer attesting authorized employment status
Written statements signed by the employee attesting authorized employment status
Record keeping requirements: duration, documents and employment application flow data
Procedures for verification of authorization: pre-hire, post-hire
Confidentiality of information and employee privacy issues

Good faith compliance, an established "affirmative defense"
Referrals from State employment agencies
Avoiding discrimination under Title VII of the Civil Rights Act
Legalization of eligible aliens and the January 1, 1982, cut-off for eligibility

Expected targets of the government; emphasis upon past offenders
The complaint process: how the government process is set in motion
Hearings before Administrative Law Judges—30 day notice prior to hearings
Discovery—subpoena of persons and documents

8:00 A.M.—Registration
8:30 A.M.—Program
11:00 A.M.—Adjourn

1:30 P.M.—Registration
2:00 P.M.—Program
4:30 P.M.—Adjourn

REGISTRATION FORM

Please detach and return with fees to:
Total Employee Relations Services, Inc.
3185 Airway Ave., Suite J.
Costa Mesa, CA 92626
(714) 546-5540

IMMIGRATION REFORM AND CONTROL ACT of 1986

Program #	
1.	8:30 A.M.-11:00 A.M., **Dec. 9, 1986**
2.	2:00 P.M.-4:30 P.M., **Dec. 9, 1986**
3.	8:30 A.M.-11:00 A.M., **Dec. 10, 1986**
4.	2:00 P.M.-4:30 P.M., **Dec. 10, 1986**
5.	2:00 P.M.-4:30 P.M., **Dec. 11, 1986**

NAMES	TITLES	PROGRAM #	COMPANY
			Street
			City St. Zip
			Phone

Registration Fee: $95.00 per person per program
Discount Fee: $75.00 per person for 3 or more persons

Fee Includes: Program, Participant Materials and Refreshments

Refunds will be given until three (3) working days prior to the selected session. No refunds will be given after that date, however, an alternate participant will be accepted. Refunds are subject to a $20.00 service fee. For further information regarding this program or an incompany presentation, please call the TOTAL office at (714) 546-5540.

Catholic
Community
Services
Diocese of San Diego
349 Cedar Street, San Diego, California 92101-3197
(619) 231-2828

Emergency Services:
Central Office
House of Rachel
Rachel's Women's Center
Ecumenical Service Center
Good Samaritan Shelter

Family Services
Psychological Counseling
Marriage Preparation
Responsible Parenthood
MCRD Family Center
Journey Together
Separated/Divorced Ministry

Maternal/Infant Services
Adoption
Pregnant Women

Padre Serra Center
Training & Employment Division
Central & South Offices

Refugee Resettlement
General
Employment
Health Screening
Immigration
Mental Health
Continental Crafts, Inc.

Senior Services
General
Foster Grandparent Program
Ministry with Disabled People

U.S. Marshal Services
Foster Care
Casa de San Juan

Imperial Valley Services
Emergency Services
House of Hope
Psychological Counseling
Desert Valle Credit Union

LEGALIZACION

BAJO LA REFORMA DE INMIGRACION Y EL ACTO DE CONTROL DE 1986

Quien es elegible para legalizacion?

Personas indocumentadas que llegaron a los Estados Unidos antes de Enero 1, 1982 y que hayan residido ininterrumpidamente en los Estados Unidos desde Enero 1, 1982, las ausencias "Breves," "Casuales," o "Inocentes" seran exceptuadas.

Para calificar para el programa, la persona indocumentada debera cumplir con los siguientes requisitos:

- ser aceptable como inmigrante;
- hacerse un exámen médico, el costo sera cubierto por el aplicante;
- no haber sido convicto de ningún delito o de tres o más actos de mala conducta cometidos en los Estados Unidos.
- no haber ayudado en la persecución de ninguna persona o personas debido a su raza, religión, nacionalidad, membresía en algún grupo social, o por su opinión respecto a la política;
  y
- ser registrado o estar dispuesto a registrarse en el Acto de Servicio Militar Selectivo (Military Selective Service Act), si se le pide que lo haga.

(Ver el análisis anexo MRS/USCC del Escrito de Inmigración, para más detalles sobre las provisiones de exclusión y renuncias de derecho)

Cuando comenzará la legalización?

No más de seis meses después de establecida la Ley.

Cuando terminará la legalización?

Un año después de haber comenzado el período de aplicaciones, que será designado por el Procurador General.

Cuántos indocumentados se permitirá legalizar?

No habrá un límite numérico para este programa. Todas las personas indocumentadas que apliquen y que sean elegibles pueden ser legalizadas.

Como pueden las personas indocumentadas aplicar para legalización?

Las personas indocumentadas que cumplan con los requisitos de elegibilidad podrán aplicar directamente con el Procurador General a través de la agencia de Servicios de Naturalización e Inmigración (INS), o a través de entidades calificadas (tales como agencias voluntarias) designadas por el Procurador General. Las entidades calificadas serán dadas a conocer a través de las oficinas de inmigración y re-establecimiento de la Diócesis. Se recomienda a las personas indocumentadas que busquen asesoramiento y consulta antes de ir directamente al INS.

Qué documentos necesitará la persona indocumentada para conseguir ser elegible?

Los documentos que se pueden usar para establecer si una persona es elegible o no, incluyen registros relacionados con empleo (puede ser información de parte de los patrones, o una declaración bajo juramento de compañeros de trabajo, anteriores o presentes, corroborando la información respecto al empleo), así como documentos que todavía va a determinar el Procurador General.

Qué clase de documentación recibirá un aplicante que ha sido aprobado?

Esto depende de la etapa del proceso en que se encuentre el aplicante. Para los indocumentados que han sido aprobados y se encuentran en la primera etapa, en la cual se les otorga residencia temporal y autorización para trabajar, se hará probablemente un documento interino, cuyo formato sera desarrollado en los seis meses anteriores a que la legalización comience. Cuando el indocumentado sea aprobado para residencia permanente, él o ella recibirá su tarjeta verde (green card).

Cuánto tiempo tardará el aplicante en saber si ha sido aprobado o rechazado?

Durante el desarrollo de los reglamentos, el INS determinará específicamente el proceso para aprobar o rechazar las aplicaciones, lo cual dara una mejor indicación del tiempo que tomará el proceso.

Qué pasa si un indocumentado que es elegible es aprehendido durante el período de aplicaciones para legalización?

Si esas personas pueden presentar evidencia convincente de que estan en posicion de meter su aplicación genuinamente, entonces no seran deportadas y recibirán autorización para trabajar. También se espera que esas personas continúen los trámites para someter su aplicación de legalización.

Qué le pasara a un indocumentado que aplique para legalización y sea rechazado?

Un papel importante de las agencias voluntarias que ayudan a los indocumentados a meter sus aplicaciones para legalización, es el ofrecer consejo respecto a las posibilidades de vialidad de su caso. La decisión final respecto a aplicar o no aplicar para legalización depende de cada indocumentado. La Ley establece que las aplicaciones de legalización se pueden enviar al INS y al Procurador General solamente con el consentimiento del aplicante.

Los indocumentados que apliquen para legalización y sean rechazados serán sujetos a aprehensión y deportación, pero la información que se usó para aplicar para legalización no puede usarse para enforzar la deportación, a menos que el aplicante haya sometido información falsa o haya faltado a la verdad durante el proceso de aplicación.

Qué pasa si el indocumentado elegible no aprovecha el proceso de legalización durante el período de un año que dura el proceso de aplicación?

Tales personas perderán su oportunidad de legalizarse a través de este programa; por lo tanto su estado seguirá siendo de indocumentados y estarán sujetos a aprehensión y deportación.

3 Teens Held in Sniper Attack on Aliens

Youths Are Arrested on Suspicion of Attempted Murder in Shootings

L.A. TIMES
11/22/87

By H.G. REZA, *Times Staff Writer*

In a new and deadly twist to the controversy over illegal aliens who live and work in suburban North County, sheriff's deputies said Friday that they have arrested three local teen-agers on suspicion of attempted murder after they dressed in camouflage uniforms and allegedly attacked a group of aliens with firearms, wounding one.

The incident occurred Tuesday in Encinitas and was confirmed by Sheriff's Deputy George Gardner of the Encinitas substation. There have been several recent confrontations in North County between local residents and illegal aliens who work on the many farms in the area, but Gardner said this was the first incident in Encinitas where someone has attempted to kill an alien.

At least one area resident blamed the attack on the controversial policies of Immigration and Naturalization Service Western Regional Commissioner Harold Ezell. An Encinitas councilwoman said the attack probably was motivated by "racist" feelings that exist in the community against illegal aliens.

Whatever the motivating factor, community leaders expressed fears that this recent incident may be indicative of rising violence against aliens by residents and further divide North County communities over the presence of the field workers, most of whom are Mexicans.

Three Encinitas youths, each 17 years old, were arrested on suspicion of attempted murder and various gun-related charges in the incident. The three males were taken to Juvenile Hall, where they were still being held Friday.

Encinitas, a town of 49,000, is bisected by Interstate 5, which runs north and south. According to a police report of the incident, the youths were hiding in the brush on the west side of the freeway when they opened fire on a group of six aliens who were eating lunch on a hillside, under a large church cross, on the other side of the highway.

Gardner said the armed teen-agers then walked across a bridge over the freeway on Requeza Avenue and charged the startled aliens, firing at them with a .22 caliber rifle, .22 caliber handgun and pellet gun. The aliens scattered and then turned back their attackers by

Please see SNIPERS, Page 6

SNIPERS: Youths Held in Attack on Illegal Aliens

Continued from Page 1

unleashing a barrage of rocks, said Gardner. The youths were arrested a short time later by deputies who were summoned by an anonymous caller.

Jorge A. Sanchez, 28, was wounded slightly on the foot, said Gardner. He was treated at a local hospital and released.

"That's exactly the sort of thing I thought could happen . . . What if some other nutty kids go out there and do it again? . . . We have in this community a great deal of fear and discomfort at the visible presence of so many undocumented workers," Encinitas Councilwoman Ann Omsted said.

Omsted, who is organizing a local task force to study the impact that illegal aliens have on the city, said there is a "real pervasive uneasiness" among Anglo residents over the aliens' presence. She said that this uneasiness is manifesting itself in racism directed against longtime Latino residents of the town and added that she was not surprised by the shooting.

"This [uneasiness] leads to racism. We have a lot of residents in the community of Latino descent. There's a real danger that people who are emotionally upset by the undocumented aliens will start labeling all Latinos as bad . . . Some of the letters that have appeared in our community paper are blatantly racist. Some members of the Anglo community are beginning to feel that it's OK, and feel comfortable, about saying careless things about Latinos," said Omsted.

In addition to shooting at the aliens, Gardner said, the youths admitted shooting at cars on Interstate 5 with the pellet gun. Deputies have not received any complaints from motorists, said Gardner.

Roberto Martinez, head of the San Diego-based Coalition for Law and Justice and the American Friends Committee, noted that the attack came less than a month after a community meeting in Encinitas where local residents discussed the presence of illegal aliens with aliens' rights groups.

"I'm not surprised by this incident. We've encountered a lot of hostility and anger toward undocumented aliens from adults and this is being passed on to the kids . . . The feeling is that it's OK to do this because these people are here illegally," said Martinez.

At a similar forum held in nearby Carlsbad last month, Mayor Mary Casler said there was an "anti-Mexican hysteria" developing in her city. "People are afraid of anything different from themselves, even though it's unwarranted."

Some Carlsbad residents have complained in several emotional meetings that illegal aliens are harassing their children when they walk to school. Parents encouraged recent INS sweeps in Encinitas and Carlsbad that were led by Ezell.

"I believe these folks [aliens] are not givers to our society," said Ezell during a press conference after North County raids last month. "They're takers . . . I'm not ashamed of what our people have done, and I'm not ashamed of inviting anyone here to see it."

Carlsbad realtor Dennis Meehan

Please see SNIPERS, Page 12

SNIPERS

Continued from Page 6

charged that Ezell's comments only encourage incidents like the one that landed the three teen-agers in jail.

"Ezell gets emotions running high with his reckless comments. The parents are tricked by these comments and start to believe that all aliens are criminals, and their kids react to this demagoguery. Before long it's open season on the undocumented . . . and as long as we continue to have this kind of commentary by public officials we're going to create an environment where people will think it's all right to do these kinds of things to the undocumented," said Meehan.

Ezell was not available for comment Friday. A secretary said that he was in Washington, accompanied by his media spokesperson.

sep INSTITUTO TECNOLOGICO de Tijuana

Coordinación Administrativa
Dirección
Num. de oficio: 150/CA/D/86
Asunto: Invitación

Tijuana, B. C., 21 de noviembre de 1986

C. HERMAN BACA,
PRESENTE

El Instituto Tecnológico de Tijuana por mi conducto, hace a usted una atenta invitación a participar como ponente al Foro Binacional de Análisis de la Ley Simpson-Rodino, que se llevará a cabo en la unidad cultural Cala-Fornix de esta - institución, el próximo martes 2 de diciembre a partir de las 13- horas.

Esperando vernos distinguidos con su -- presencia y participación, quedamos de usted.

A t e n t a m e n t e

" POR UNA JUVENTUD INTEGRADA AL DESARROLLO DE MEXICO "

ESTADOS UNIDOS MEXICANOS

SECRETARIA DE
EDUCACION PUBLICA
Instituto Tecnológico
de Tijuana
Dirección

ING. HECTOR FUENTES LOPEZ
DIRECTOR

HFL/CAA/alrj'

I. T.
TIJUANA, BAJA CALIFORNIA

Calzada del Tecnológico
Tijuana, B. C.

.45 a.m.-11:00 a.m. **BREAK**

11:00 a.m.-11:45 a.m. **Question and Answer Session**

Moderator: Dale Cozart, Chief Patrol Agent
San Diego Sector

11:45 a.m.-12:15 p.m. **BREAK**

12:15 p.m.-1:30 p.m. **Luncheon**

Introduction of Special Guests: Dale Cozart, Chief Patrol Agent
San Diego Sector

1:30 p.m.-2:30 p.m. **Employer Sanctions and Anti-Discrimination Provisions**
Session B

Moderator: Cliff Rogers, Deputy District Director, San Diego District

1. **Employer Sanctions**

   a. Statutory Requirements: Bill Veal, Patrol Agent in Charge, Chula Vista Station
   San Diego Sector

   b. Implementation Plans: Mike Connell, Patrol Agent in Charge, El Cajon Station
   San Diego Sector

2. **Anti-Discrimination Provisions**

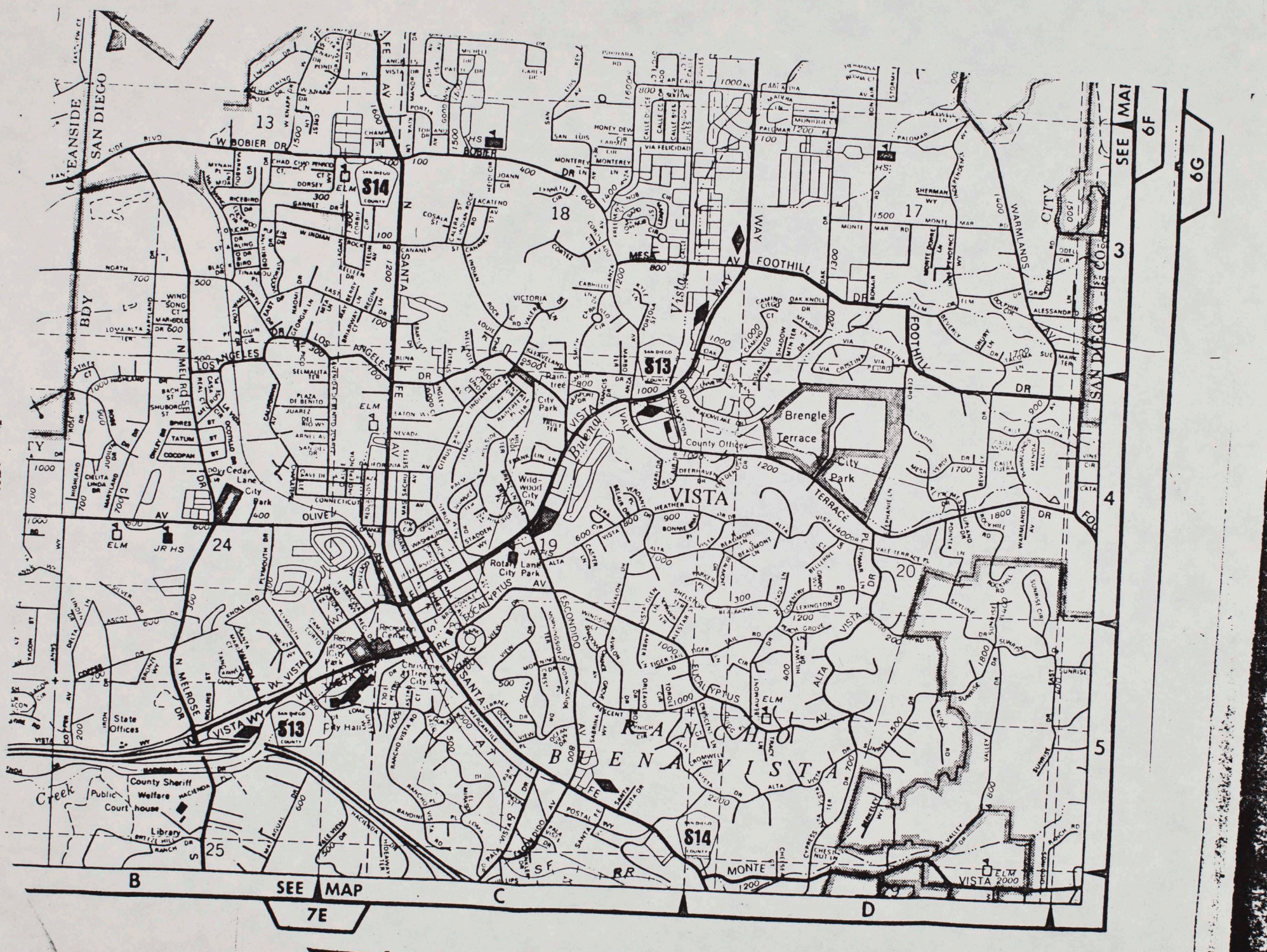
   a. Statutory Requirements: Marty Soblick, District Counsel
   San Diego District

3. **S.A.V.E. Program** Arnoldo Flores, Supervisory Special Agent, San Diego District

2:30 p.m.-3:00 p.m. **Break**

3:00 p.m.-4:00 p.m. **Question and Answer Session**

Moderator: James Turnage, District Director
San Diego District



KPBS Radio FM 89

I N F O R M A T I O N

December 4, 1986

CONTACT: Ruthanne Greeley
619-265-6431

REPORT ON IMMIGRATION EARNS AWARD
(For Immediate Release)

Maria Hinojosa, currently associate producer of KPBS Radio's national Spanish-language news program Enfoque Nacional, has received a CINDY award in the Public Service and Information category. The award was for "Immigration and Detention," a report on conditions at the Immigration and Naturalization Service's detention center in Harlingen, Texas, where Latin American immigrants to the United States are detained until their status is decided.

The report aired on National Public Radio's Saturday news program, Weekend Edition. Hinojosa, who was a producer for the show before coming to San Diego to work on Enfoque Nacional, shares the award with Weekend Edition host Scott Simon.

The CINDY awards recognize excellence in informational film and audio, and are considered one of the most prestigious non-entertainment media awards.

# # #

Immigration bill will fail, activist says

Baca predicts bias against Hispanics

By CARLOS CORDOVA
Bee staff writer

Chicano rights activist Herman Baca says the immigration reform law will be a failure and used as a scapegoat to discriminate against Hispanics in the United States legally.

"How can you have immigration reform?" Baca said. "If people continue to get shot and killed in Central America they are going to flee. If people are starving and there are no jobs in Mexico they are going to continue to cross the border."

In Fresno this weekend to denounce the immigration bill, Baca continued his theme that the law is not an immigration issue but a labor issue. Baca is chairman of the Committee on Chicano Rights, a constant critic of immigration reform during the last decade.

Fresno Bee
12/8/86

HERMAN BACA
— Chicano rights activist

The immigration law was signed by President Reagan on Nov. 6 and calls for sanctions against employers who knowingly hire undocumented workers, and grants legal status, or amnesty, to those who can prove they have lived in this country continuously since Jan. 1, 1982.

Baca said the bill does not address the root cause of illegal

See **Baca,** Page B4

Baca

Continued from Page B1

immigration, which is economic and political domination of Third World countries by powerful nations. Instead, he said, the bill is a "sell-out" to the agriculture, garment, hotel and restaurant industries which rely on cheap labor imported from Mexico.

"What the U.S. Congress has stated to the world is that the Mexican worker is an integral part of the economy, and it can't survive without these workers," Baca said. "The government has become the biggest coyote."

Baca said that employer sanctions will work in reverse, and instead become sanctions against people of Mexican descent living in this country legally. He said the sanctions will exacerbate racist tendencies in people, causing them to try to get anyone who appears to be of Mexican descent deported.

"The sanctions deputize every housewife and every store owner into becoming and arm and extension of the Border Patrol," he said.

Baca continued his attacks on the Border Patrol and the Immigration and Naturalization Service, calling the Border Patrol the modern-day "Texas Rangers" and the INS the most "incompetent and racist agency in the whole bureaucracy."

Baca said that he doesn't see anyone being granted amnesty until the 21st century, because the INS has a nine-year backlog of immigration applications. He said the INS will delay and resist efforts at granting amnesty, and the Border Patrol will continue operating as "business as usual." He said the workers should not trust this agency.

"This is the same organization that has served as a private army supporting the secondary-labor force," Baca said. "If the blacks were gaining amnesty, would they trust the KKK? Would the Jews trust the Gestapo?"

Baca called the churches, social agencies and attorneys who are establishing amnesty centers for undocumented workers "hypocrites", and asked why they are not establishing centers for people of non-Mexican descent if immigration reform is a national policy.

He said that a large portion of undocumented workers who have been in the United States since 1982 are seasonal workers, returning to Mexico after the harvests. He said it will be impossible for them to prove continued residency.

"Since 1982, an undocumented worker has been trying to prove that he wasn't here so he wouldn't be deported," Baca said. "Now he's being asked to prove that he was here."

The biggest irony, Baca said, is that a worker who applies for amnesty is required to register for the draft. He said a worker may be killed in a war defending this country before he is ever granted amnesty.

He said his organization is telling undocumented workers not to identify themselves to the INS or sign voluntary departure forms, and not to pay "one red cent" to have their applications processed because it is unclear whether they will ever have amnesty.

There will be widespread hysteria when the country realizes that immigration reform was a failure, Baca said, and the southern United States will become reminiscent of a "South African apartheid system" with Hispanics being more discriminated against because of the law's failure.

The ultimate victim will be the American labor force, Baca said, because immigration reform would have been used as a means to lower wages, deteriorate working conditions, and destroy collective bargaining and unionizing efforts.

The only solution for Hispanics is to attain political and economic power, Baca said, and for them to understand culturally who they are and why they're in this country.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release November 6, 1986

REMARKS BY THE PRESIDENT AT SIGNING CEREMONY FOR THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

The Roosevelt Room

10:10 A.M. EST

THE PRESIDENT: I'm very pleased that you could all be here today. I know how busy you've been with events leading up to Tuesday's election, and I want to congratulate all of you in the House of Representatives who've just been reelected.

This bill, the Immigration Reform and Control Act of 1986, that I will sign in a few minutes is the most comprehensive reform of our immigration laws since 1952.

It's the product of one of the longest and most difficult legislative undertakings in the last three Congresses. Further, it's an excellent example of a truly successful bipartisan effort. The administration and the allies of immigration reform on both sides of the Capitol and both sides of the aisle worked together to accomplish these critically important reforms to control illegal immigration.

In 1981, this administration asked the Congress to pass a comprehensive legislative package, including employer sanctions, other measures to increase enforcement of the immigration laws, and legalization. The act provides these three essential components.

Distance has not discouraged illegal immigration to the United States from all around the globe. The problem of illegal immigration should not, therefore, be seen as a problem between the United States and its neighbors. Our objective is only to establish a reasonable, fair, orderly, and secure system of immigration into this country and not to discriminate in any way against particular nations or people.

I would like to recognize a few of the public servants whose unflagging efforts have made this legislation a reality. Senator Alan Simpson, Congressman Dan Lungren, Chairman Peter Rodino, and Congressman Ron Mazzoli have long pursued and now have attained this landmark legislation. Important roles were played by Senator Strom Thurmond, Senator Paul Simon, and Congressmen Ham Fish, Bill McCollum, Chuck Schumer, and many others in both Houses of the Congress and in both parties.

Additionally, I would like to note the excellent efforts of members of my administration who have worked so hard over the last six years to make this bill signing possible today. The long list of those in the Executive Branch is headed by Attorneys General Edwin Meese and William French Smith, who with Immigration Commissioner Alan C. Nelson have contributed greatly to our efforts to pass meaningful immigration reform.

Future generations of Americans will be thankful for our efforts to humanely regain control of our borders and thereby preserve the value of one of the most sacred possessions of our people, American citizenship.

MORE

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 6, 1986

THE SIGNING OF S. 1200
THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

FACT SHEET

President Reagan today signed into law S. 1200, the Immigration Reform and Control Act of 1986.

The United States is a Nation of immigrants. Over half of all Americans have an ancestor who passed through Ellis Island. Since 1981, when the Administration submitted comprehensive immigration reform legislation to Congress, the President has been firmly in support of fair, workable, and non-discriminatory immigration reform and control legislation.

Distance itself has not discouraged illegal immigration into this country from all over the globe. The problem of illegal immigration should not be seen as a problem between the United States and her neighbors. This bill is written to establish a reasonable, fair, orderly and secure system of immigration into this country without discriminating in any way against any nation or any people.

The Reagan Administration has long demonstrated a commitment to effective immigration law enforcement: Adding 800 more Border Patrol agents since 1981 and increasing funding for the Immigration and Naturalization Service by 60 percent over the past five years.

KEY PROVISIONS OF S. 1200

Amnesty

- Provides legalized residence status to illegal aliens living continuously in the United States since January 1, 1982. One year after receiving temporary resident status, individuals may convert to permanent legal status.
- To achieve legalized status, individuals must apply to the Attorney General and demonstrate their eligibility.

Employer Sanctions

- Prohibits employment of illegal aliens. Imposes criminal and civil sanctions (between $250 and $10,000 per violation, and up to six months in prison) against individuals who knowingly hire illegal aliens. No sanctions imposed during six-month public education period.
- Requires mandatory recordkeeping by all employers, including households.
- Requires employer to attest, under penalty of perjury, that it verified that an individual is eligible for employment by examining common identifiers -- passport, Social Security card, and alien registration card.
- Requires that all new hires sign a form verifying that they are eligible to work.

Identification

- Does not authorize a national identification card. If necessary, a more secure system of employee indentification may be implemented.

MORE

So now, I'll get on with the signing and make this into law. Hope nothing happens to me between here and the table. (Laughter and applause.)

(BILL IS SIGNED)

THE PRESIDENT: And I got my names in the right order there. (Laughter.)

Q Mr. President, do we have a deal going with Iran of some sort?

THE PRESIDENT: No comment, but could I suggest an appeal to all of you with regard to this, that the speculation, the commenting and all on a story that came out of the Middle East, and that -- one that has no foundation, that all of that is making it more difficult for us in our effort to get the other hostages free.

END 10:14 A.M. EST

Enforcement

- To improve enforcement in order to prevent unauthorized entry of aliens, the Act authorizes an additional $422 million in FY 1987 and $419 million in FY 1988 for the Immigration and Naturalization Service, including a 50 percent increase in the average level of Border Patrol staff in FY 1987 and FY 1988 over FY 1986.

Anti-Discrimination

- Prohibits unfair immigration-related employment practices. Requires the President to appoint a Special Counsel within the Department of Justice to investigate charges of unfair immigration-related employment practices. Makes it unlawful for employer of three or more persons to discriminate in hiring on the basis of national origin or citizenship. Recognizes the right of an employer to hire an equally qualified citizen over a legal alien.

Federal Benefits

- Bars newly legalized aliens from access to certain Federal benefit programs for five years, with the exception of special categories including the aged, blind, disabled, pregnant women and children.

Reimbursement to States

- Beginning in 1988, makes available up to $1 billion per year for four years for Federal, state and local public assistance and education costs associated with newly legalized aliens.

Seasonal Agricultural Workers

- Establishes a Seasonal Agricultural Worker program and a replenishment worker program. There are two categories of Seasonal Agricultural Workers:

  1. Upon application to the Attorney General, aliens who have worked in U.S. agriculture for 90 days are eligible for immediate temporary resident alien status after a two-year period has elapsed.

  2. Aliens who have worked 90 days in U.S. agriculture in each of the 12-month periods ending May 1, 1984, 1985, and 1986, are eligible for immediate temporary resident status after a one-year period.

- Since these workers would not be required to remain in agricultural work, a mechanism is created to provide for "replenishment workers," if there is a shortage of domestic workers. Beginning in FY 1990, if the Secretaries of Labor and Agriculture determine there is a shortage, replenishment workers would be admitted as temporary resident aliens and would have to work 90 days in agriculture for the first three years after admission to the U.S. to gain permanent resident status. To become naturalized citizens, aliens must work 90 days in agriculture for five consecutive years.

H-2 Temporary Workers

- Streamlines application and review process for existing Department of Labor H-2 temporary worker program, and establishes a new nonimmigrant category for admission of temporary agricutural workers.

- Does not allow growers to provide a housing allowance in lieu of housing. Provides free legal services, through the Legal Services Corporation, on job-related issues.

# # #

U.S. Department of Justice

Immigration and Naturalization Service

District Director

880 Front Street
San Diego, CA. 92188

December 4, 1986

SND 92/5.3-C

LA PRENSA SAN DIEGO
1950 5th Avenue
San Diego, CA 92101

Dear Sir or Madam:

As you are aware, President Reagan recently signed into law the Immigration Reform and Control Act of 1986. Contained in that law are certain provisions to legalize the status of several million aliens currently residing in this country illegally as well as a system of employer sanctions. I am deeply committed to seeing this law administered in the most expeditious and compassionate manner possible and, therefore, would like to invite you to join us in a meeting of volunteer agencies, community organizations, elected officials, employer and employee representatives, and other interested parties to explore various aspects of the legislation, set goals, and establish a strong foundation of communication, interaction, and education.

This meeting will take place on December 12, 1986, at the Convention and Performing Arts Center, Copper Room, Terrace Level, 202 "C" Street, San Diego, California.

Attached is a tentative agenda which reflects a morning session focusing on legalization and the agricultural worker program. The afternoon session will concentrate on employer sanctions. As the process involves a joint effort, I strongly encourage you to complete the enclosed questionnaire and promptly return it to me with suggested agenda items in the self-addressed envelope.

Due to the limited available time for planning and a limited number of seats (200), I must urge you to provide the **name of attendee and organization represented** to this office, at the phone number on Attachment #1, no later than December 10, 1986. A registration fee of $15.00 will include the cost of the luncheon and beverage service during the sessions.

We look forward to meeting with you and obtaining your input to help us establish a strong foundation of communication, interaction, and education for the implementation of this program.

Sincerely,

James B. Turnage, Jr.
James B. Turnage, Jr.
District Director

Attachments

Attachment 1

IMMIGRATION REFORM AND CONTROL ACT OF 1986: A BALANCED APPROACH

Convention and Performing Arts Center
Copper Room, Terrace Level
202 "C" Street
San Diego, California
December 12, 1986

TENTATIVE AGENDA

8:00 a.m.	REGISTRATION (COFFEE)	$15.00 (cash only, please)
9:00 a.m.	OPENING	Mr. Harold Ezell Regional Commissioner Western Region
9:30 a.m.	SESSION A - LEGALIZATION AND AGRICULTURAL WORKERS	James B. Turnage, Jr., District Director, San Diego District, and Staff
10:30 a.m.	BREAK (COFFEE)	
11:00 a.m.	QUESTION AND ANSWER PERIOD	
12:00 noon	NO HOST LUNCH	Guest speaker to be announced
1:30 p.m.	SESSION B - EMPLOYER SANCTIONS AND ENFORCEMENT	Alan E. Eliason, Chief Patrol Agent, San Diego Sector, and Staff
2:30 p.m.	BREAK (COFFEE)	
3:00 p.m.	QUESTION AND ANSWER PERIOD	
4:00 p.m.	CLOSE	

PLEASE RSVP (BY LAST NAME OF ATTENDEE): A-M MRS. CROSS (619)293-5645
N-Z MR. MATZNER (619)293-5240

Attachment 2

INS PUBLIC OUTREACH QUESTIONNAIRE

1. Comments and agenda items.

2. What are the potential fears regarding the Legalization, Employer Sanctions, and Agricultural Workers Program? List suggestions on how these fears might be overcome.

3. What are the most effective ways of reaching the public with information on the Legalization, Employer Sanctions, and Agricultural Workers Program? Please assign a level of effectiveness to each of the following items, with "5" being highly effective and "1" being ineffective. Multiple items may be ranked at the same level if you think all would be equally effective or ineffective.

_____ City newspapers

_____ Major radio stations

_____ Major television stations

_____ Advertising (billboards, fliers)

_____ Ethnic newspapers

_____ Ethnic radio stations

_____ Ethnic television stations

_____ Outreach to VOLAGS, community organizations

4. In your opinion, which of the following organizations can provide the most effective public information program to applicants? Check as many as apply.

_____ INS

_____ National Voluntary Organizations

_____ Local Community Groups

_____ Other

5. What are your information needs with regard to the Legalization, Employer Sanctions and Agricultural Workers Program? What type of written materials or meeting/seminars would be most helpful to you in explaining new requirements?

6. What approaches should be made to employers, employer associations, and labor organizations to solicit voluntary compliance with employer sanctions?

7. What approaches should be made to promote a positive attitude by employers, unions, other groups, and the public generally to hire citizens and lawful aliens?

8. What approaches should be made to assist employers in finding legal workers (citizens and lawful aliens) to fill any job vacancies previously held by illegal aliens?

U.S. Department of Justice

Immigration and Naturalization Service

District Director

880 Front Street

San Diego, CA. 92188

December 4, 1986

SND 92/5.3-C

LA PRENSA SAN DIEGO
1950 5th Avenue
San Diego, CA 92101

Dear Sir or Madam:

As you are aware, President Reagan recently signed into law the Immigration Reform and Control Act of 1986. Contained in that law are certain provisions to legalize the status of several million aliens currently residing in this country illegally as well as a system of employer sanctions. I am deeply committed to seeing this law administered in the most expeditious and compassionate manner possible and, therefore, would like to invite you to join us in a meeting of volunteer agencies, community organizations, elected officials, employer and employee representatives, and other interested parties to explore various aspects of the legislation, set goals, and establish a strong foundation of communication, interaction, and education.

This meeting will take place on December 12, 1986, at the Convention and Performing Arts Center, Copper Room, Terrace Level, 202 "C" Street, San Diego, California.

Attached is a tentative agenda which reflects a morning session focusing on legalization and the agricultural worker program. The afternoon session will concentrate on employer sanctions. As the process involves a joint effort, I strongly encourage you to complete the enclosed questionnaire and promptly return it to me with suggested agenda items in the self-addressed envelope.

Due to the limited available time for planning and a limited number of seats (200), I must urge you to provide the **name of attendee and organization represented** to this office, at the phone number on Attachment #1, no later than **December 10, 1986.** A registration fee of $15.00 will include the cost of the luncheon and beverage service during the sessions.

We look forward to meeting with you and obtaining your input to help us establish a strong foundation of communication, interaction, and education for the implementation of this program.

Sincerely,

James B. Turnage, Jr.

James B. Turnage, Jr.
District Director

Attachments

Committee on Chicano Rights, Inc.

NATIONAL CITY, CA DECEMBER 9, 1986

HOUSE SPEAKER JIM WRIGHT
1236 LONGWORTH HOB
WASHINGTON, D.C. 20515

MR HOUSE SPEAKER:

OUR ORGANIZATION IS REQUESTING THAT YOU AS SPEAKER OF THE HOUSE OF REPRESENTATIVES URGE THE U.S. CONGRESS TO CREATE & EMPOWER A NEW AGENCY OTHER THAN THE IMMIGRATION & NATURALIZATION SERVICE TO ADMINISTER THE NEW 600 MILLION DOLLAR AMNESTY PROGRAM OF THE SIMPSON/RODINO IMMIGRATION LEGISLATION. IT IS OUR FIRM BELIEF, AFTER WORKING WITH THE IMMIGRATION ISSUE FOR THE LAST 16 YEARS THAT BECAUSE OF THE SORDID HISTORY & THE INHERENT ADMINISTRATIVE INCOMTENCY OF THE INS, THAT THIS AGENCY WILL NOT BE ABLE TO ADMINISTER THE NEW AMNESTY LEGISLATION IN A FAIR, JUST & HUMANE MANNER TO PERSONS OF MEXICAN ANCESTRY. WE ALSO QUESTION HOW AN AGENCY LIKE THE INS WITH A BACKLOG OF 9 YEARS CAN NOW BE ENTRUSTED BY THE U.S. CONGRESS TO PROCESS HUNDREDS OF THOUSANDS IF NOT MILLONS OF NEW AMNESTY APPLICATIONS, WHEN IT HAS NOT BEEN ABLE TO DEAL WITH THE CURRENT 9 YEAR BACKLOG.

IT IS OUR ORGANIZATION POSITION IN CALLING FOR THE CREATION OF A NEW AGENCY TO ADMINISTER THE LEGALIZATION PROGRAM THAT UNLESS THE INS/BORDER PATROL IS REPLACED THAT LARGE NUMBERS OF IMMIGRANTS & UNDOCUMENTED WORKERS WILL NOT COME FOURTH DUE TO THE DECADE LONG HISTORY OF INS/BORDER PATROL RACISM, DECEPTION, & MISTREATMENT. WE CITE THE FOLLOWING HISTORICAL EXPERIENCES AS PROOF THAT MOST IMMIGRANTS & UNDOCUMENTED WORKERS WILL NOT PLACE ASIDE THEIR FEARS, SUSPICIONS OF THE INS/BORDER PATROL:

A) THE 1942-1964 BRACERO PROGRAM. A PROGRAM THAT ONCE DESCRIBED BY ITS EX-COMMISSIONER AS BEING NOTHING SHORT OF A "SLAVE PROGRAM".
B) THE "OPERATION WETBACK" CAMPAIGN OF 1950-1954. A MILTARY-LIKE CAMPAIGN THAT RESULTED IN THE DEPORTATION OF OVER 4 MILLION PERSONS (INCLUDING U.S. CITIZENS) OF MEXICAN ANCESTRY.
C) THE 1966-1981 SILVA LETTERS ISSUE. A CASE THAT WAS BROUGHT ABOUT BY UNLAWFUL ADMINISTRATIVE ACTIONS OF THE INS, THIS EXAMPLE OF AGENCY DECEPTION RESULTED IN THE DE-FACTO DEPORTATION OF AS MANY AS 250,000 U.S. CITIZEN CHILDREN.
D) THE CURRENT INS/BORDER PATROL INSISTENCE THAT DESPITE THE SIMPSON/RODINO LAW, IT WILL CONTINUE WITH ITS DEPORTATION AS BUSINESS AS USUAL.

IN CONCLUDING LET US STATE THAT IF THE AMNESTY PROVISIONS ARE GOING TO HAVE A DEGREE OF SUCCESS THAT A NEW AGENCY OTHER THAN THE INS WILL AT LEAST ASSURE THAT SOME DEGREE OF SUCESS IS FOURTH COMING FOR THE NEW LEGALIZATION LEGISLATION. WE AWAIT YOUR RESPONSE TO OUR REQUEST.

SINCERELY,

Herman Baca

HERMAN BACA, PRESIDENT

1837 Highland Avenue, National City, CA 92050 (619) 474-8195

CCR
Committee on Chicano Rights, Inc

FOR IMMEDIATE PRESS RELEASE

DECEMBER 11, 1986 NATIONAL CITY,CA.

THE COMMITTEE ON CHICANO RIGHTS, (CCR) ANNOUNCED TODAY THAT THEY HAVE CALLED ON THE U.S. CONGRESS TO REMOVE THE IMMIGRATION AND NATURALTIZATION SERVICE (INS)/ BORDER PATROL FROM CONTROL OF THE RECENTLY ENACTED AMNESTY PROGRAM, AND TO CREATE AND EMPOWER A NEW AGENCY TO ADMINISTER THE $600 MILLION "AMNESTY" PROVISIONS OF THE SIMPSON-RODINO IMMIGRATION LEGISLATION.

IN A LETTER SENT TO CONGRESSMAN JIM WRIGHT (D-TEXAS), SPEAKER OF THE HOUSE OF REPRESENTATIVES, CCR CHAIRMAN HERMAN BACA CHARGED THAT UNLESS THE INS/BORDER PATROL IS REMOVED FROM ADMINISTERING OF THE AMNESTY PROGRAM, " THE LEGALIZATION PROVISION OF THE SIMPSON-RODINO IMMIGRATION LAW IS CONDEMNED TO BECOME YET ANOTHER FAILED ATTEMPT TO RESOLVE THE U.S.- MEXICO IMMIGRATION ISSUE."

CONTRARY TO THE CURRENT PUBLIC RELATIONS CAMPAIGN BEING ORCHESTRATED BY THE INS IN AN EFFORT TO CONVINCE THE U.S. PUBLIC THAT IT CAN BE TRUSTED, BACA CHARGED, "THAT BECAUSE OF THE SORDID HISTORY OF RACISM AND THE INHERENT ADMINISTRATIVE IMCOMPETENCY OF THE INS, THIS AGENCY WILL NOT ADMINISTER THE AMNESTY PROGRAM IN A FAIR, JUST AND HUMANE MANNER TO PERSONS OF MEXICAN ANCESTRY."

AS PROOF BACA CITED THE INS' NINE YEAR BACKLOG OF VIS APPLICATIONS. "HOW CAN CONGRESS ENTRUST AN AGENCY WHICH HAS NOT EVEN COMPLETED THE PAPERWORK ON VISA APPLICATIONS MADE IN 1977, WITH PROCESSING THE HUNDREDS OF THOUSANDS AND POSSIBLY MILLIONS OF AMNESTY REQUESTS DURING THE NEXT 18 MONTHS",

ALSO IN HIS LETTER, BACA STATED THAT "IMMIGRANTS AND UNDOCUMENTED WORKERS WOULD NOT BE WILLING TO TRUST THE INS/BORDER PATROL, AND WOULD NOT COME FORTH BECAUSE OF THE DECADES-LONG HISTORY OF INS/BORDER PATROL RACISM, DECEPTION AND MISTREATMENT."

BACA CITED THE FOLLOWING CASES TO SUPPORT HIS ASSERTION:

A) 1942-1964- Bracero Program (See Enclosure)

B) 1950=1955- "Operation Wetback", a military-like campaign that resulted in the deportation of over 4 million persons (including U.S. citizens) of Mexican Ancestry.

C) 1966-1981- "Silva-Letter"-case brought about by unlawful administrative actions by the INS, this example

710 East 3rd Street • National City, CA 92050 • 619-474-8195

Finally THE BEST POSSIBLE ANSWER

NO MAS CRUCES ILEGALES

Somos una agencia sin fines de lucro, esperando en el favor del Todopoderoso porque nos mande la ayuda necesaria para nuestros semejantes

Comenzando esta Navidad ya no habrá necesidad de cruzar la frontera estadounidense ilegalmente con el propósito de trabajar en fincas. Bajo la ley H2 los dueños de fincas de EU pueden alquilarlos a razón de $3.35 por hora (salario mínimo) y recibirá $5.00 la hora por el tiempo adicional (dólar EU). Usted vivirá en residencias adecuadas y que han pasado y que llenan los requisitos de sanidad. Pero Usted debe solicitar su tarjeta de identidad AHORA. La misma será laminada y llevará su nombre, dirección, fotografía y huella del pulgar. ¡NO se le dará empleo a nadie, sin esta tarjeta, comenzando el nuevo año 1987! La patrulla fronteriza está cooperando con nosotros y los dueños de fincas, para asegurar que no se le vuelva a tratar como animal

Envíe la siguiente información a: Fred P. Ames, presidente internacional: Concerned Citizens for Justice Inmigrants (Ciudadanos Preocupados por la Justicia de los Inmigrantes), una organización sin fines de lucro. ¡ACTUE RAPIDO! Incluya su nombre, dirección, fecha de nacimiento, años de experiencia trabajando en fincas, labores desempeñadas y, si es posible, dónde ha trabajado y cuánto ganaba (sea específico)

ESTAMOS EN LA MEJOR DISPOSICION DE CAMBIAR LO QUE HA SUCEDIDO, EN LOS ULTIMOS 20 AÑOS, INNECESARIAMENTE Confíe en nosotros y le seremos de gran ayuda. EVITEMOS LOS ASESINATOS EN LA FRONTERA. Agencias de empleo abrirán en Ciudad Juárez, Tijuana y otras localidades, de ser necesario incluya, con su información, 2 pequeñas fotografías (2 × 2) y las huellas de los dos pulgares, con un giro postal por $10.00 (U.S.). Se le enviará su tarjeta laminada. Su importe ayudará a mantener las oficinas centrales de empleo. Estas mismas tendrán empleados mexicanos

La direción para sus envíos:

Fred P. Ames, 812 West 181 St., N.Y. N.Y 10033

¡ESTA ES UNA OPORTUNIDAD DORADA PARA CONCRETIZAR RELACIONES AMISTOSAS ENTRE MEXICO Y ESTADOS UNIDOS!

WE'VE GOT THE DRIVE, THE DREAM, THE PLANS. ALL WE NEED IS YOU. C.C.C.

San Diego County Farm Bureau
1670 EAST VALLEY PARKWAY, ESCONDIDO CA 92027 2498

AFFILIATED WITH
CALIFORNIA FARM BUREAU FEDERATION, SACRAMENTO, CALIFORNIA
AMERICAN FARM BUREAU FEDERATION, CHICAGO ILL. & WASHINGTON, D.C.

TELEPHONES
(619) 745-3023
(619) 758-7000

July 2, 1986

Fred Ames
12 West 181 Street
New York, NY 10033

Dear Mr. Ames:

California is the richest agricultural state in the nation with $15 billion in annual gross income. We produce over 25% of fresh fruits and vegetables consumed in the country, and up until recently, tipped export-import scales in our favor. No other state in our great nation can equal California's importance in the nations food supply.

The reason that we are number one in agriculture is because of our immense fresh fruit and vegetable industry which employs many thousands of farm workers. There is a strong possibility however, that there will soon be a severe shortage of these much needed workers. There has always been a shortage of one degree or another.

The U.S. Immigration and Naturalization Service has a program, commonly known as H-2, which allows employers to recruit workers from other countries. This can be accomplished only if the U.S. Department of Labor certifies that there is a shortage of that particular class of worker. It has never worked for us. Many of us in California have been unable to bring in any significant amount of farm workers in this manner.

You indicated to us, Mr. Ames, that you believe it is possible to bring farm workers to California through the use of the H-2 program. And you felt they could be screened so that only qualified workers would be recruited. If this is possible, we would happily put them to work. We are ready to hire them.

Sincerely

s/Charles F. Woods, Executive Secretary
San Diego County Farm Bureau

(The largest Farm BUREAU WHICH EMPLOYS 17,000 Mexicans annually).
VE WOULD HAPPILY PUT THEM TO WORK. WE ARE READY TO HIRE THEM!"

(Under the H 2 LAW LEGALLY !)

By so doing, Murders will be stopped!

El Heraldo DE BAJA CALIFORNIA

AÑO 45 III EPOCA NUMERO 16,373

Director General
Lic. Rubén Téllez Fuentes

Tijuana, B.C., Viernes 14 de Noviembre de 1986

Una Organización "Ofrece" Empleo y $143 Semanarios

Por Fernando Terreros

"Los trabajadores huespedes o temporales que ingresen a Estados Unidos por conducto de nuestra organización, van a tener casa y comida gratis y podrán ganar como mínimo 143 dólares, de los que recibirán únicamente 100 porque el resto lo tendrán que pagar como impuesto".

Con éstas palabras se expresó ayer ante EL HERALDO el representante de la San Diego County Farm Bureau, Fred Ames quien con anticipación anunció una reunión con todos los aspirantes a trabajadores huéspedes, sin que asistiera uno solo, estando presentes solamente dos reporteros, entre ellos el de EL HERALDO.

Dijo que la propuesta que trae para los trabajadores, es solamente para el Plan H2 del gobierno norteamericano y que los granjeros de California y Texas, le han solicitado cuando menos 50 mil trabajadores, que desde el momento que adquieran su tarjeta de identidad que les costará diez dólares, tendrán la seguridad de un trabajo, en el que como mínimo recibirán 3 dólares con 75 centavos la hora.

Mencionó que así, los trabajadores recibirán a la semana 143 dólares, pero que 22 dólares y centavos les serán descontados por los impuestos que se tienen que cubrir a nivel federal y estatal y que el resto, 20 dólares con algunos centavos, serán enviados a la ciudad o estado de origen de los trabajadores en México.

Señaló que todos los trabajadores contratados serán exclusivamente para el campo y que aún cuando no van a vivir en un campo de concentración, no van a poder salir de la ciudad ni podrán trabajar con otro patrón.

Indicó que su labor es desinteresada y que en ésto ha estado trabajando desde hace doce años y que ha gastado de su bolsillo un cuarto de millón de dólares y que todo su trabajo está orientado por Dios.

Expresó que su principal objetivo es tratar de detener el cruce de trabajadores indocumentados, para que quienes se encuentren trabajando en Estados Unidos, estén legalmente y puedan caminar sin problemas.

Consideró --por otro lado-- que cuando mucho medio millón de trabajadores son los que van a alcanzar la amnistía, asegurando que no hay en Estados Unidos muchos trabajadores que puedan alcanzar ese beneficio.

Dijo que su agrupación, a la que pertenecen otras 17 personas, ha realizado encuestas y trabajos de investigación, que les ha costado 50 mil dólares y que por eso puede afirmar que no son muchos los trabajadores mexicanos en Estados Unidos.

"Una de las ventajas que éste programa tiene, dijo: es que los trabajadores podrán enviar todo el dinero que reciban a sus familias en México, porque no van a tener que gastar en comida ni alojamiento".

Expresó que el gobierno mexicano no le ha dado autorización para realizar ésta clase de contratación, pero que mientras está esperando la respuesta a su solicitud, está empezando a hacer su labor.

Afirmó que para antes de Navidad habrá contratado a diez mil trabajadores, aunque el reportero de EL HERALDO no encontró alrededor del señor Ames, a ningún aspirante.

Fred Ames.

¡No me lo crean, pero luego de entrevistar al señor Fred Ames del San Diego County Farm Bureau que se encuentra en esta ciudad tratando de convencer a nuestros aspirantes a trabajadores indocumentados en Estados Unidos, para que "le entren" al plan H-2 y por su conducto adquirir la tarjeta de identidad que les permitirá trabajar temporalmente en ese país y que les costará diez dólares... Nos dió la impresión de que se trata de un "enganchabobos" a los que les quiere quitar diez dólares por cabeza, sin que por ésto les garantice un trabajo... A ésto hay que agregar que esos trabajadores van a ganar un salario mínimo de 143 dólares, pero de éstos solamente les van a quedar "limpios" cien.... porque los 43 restantes se los van a quitar por concepto de impuestos... Dijo que 22 dólares y centavos son para el gobierno federal y el estado de Estados Unidos y que el resto, --- algo así como 20 dólares y centavos---"los van a guardar los granjeros", para enviarlos posteriormente --no dijo cuando-- a los gobiernos municipales o estatales de donde proceden los trabajadores mexicanos... Aquí inmediatamente nos surgió un enorme signo de interrogación, que al parecer se reflejó en el rostro y por más explicaciones que nos quiso dar el informante, no nos convencía... Por otro lado, dijo que los trabajadores que vayan contratados por su agencia, no podrán cambiar de patrón ni de trabajo, y tampoco podrán abandonar la ciudad o población que se les asigne como residencia... Y cuando se le dijo que éso era como estar en un campo de concentración, se disgustó, se enojó y preguntó porqué decíamos éso... Se le dijo que entonces los trabajadores iban a permanecer secuestrados y también respondió en forma negativa, aunque no pudo explicar cual era su verdadera situación... El hombre tiene aspecto de arabe o judío, sin embargo expresó haber nacido en Boston y ser de origen Armenio... Dijo que los trabajadores que se contraten por su conducto, van a tener asegurada la vivienda y la comida.... Pero que sin embargo no van a poder llevarse a sus familias, porque solamente van a trabajar no a vivir al otro Lado.. Dijo que estos trabajadores solamente tendrán derecho a los servicios de salud y atención médica en caso de sufrir algún accidente.. habló mucho y muy bien de su organización, que dijo ha gastado importantes cantidades de dólares en investigaciones y ayudas a los trabajadores indocumentados, es decir quieren que todos los que quieran cruzar para trabajar, les dejen diez dólares por temporada, lo que representa una millonada (en dólares) que inclusive para cualquier católico gringo resulta atractiva... Para nosotros éste Fred Ames es un pollero organizado que pretende tener una fuente de ingresos permanente con el señuelo de su tarjeta, que tal vez no valga ni cien pesos mexicanos... Eso sí, ofrece muchas cosas, pero aquí... No la va a hacer... Quien sabe si logre algo en Ciudad Juárez que según dijo, va a ser su próxima escala... Aquí, no se le va a hacer el juego.... Necesita publicaciones para presionar al gobierno de México demostrando "trabajo" pero... con nosotros nó... Al tiempo... Los nuestros prefieren andar solos que mal acompañados....

TRABAJADOR SIN VISA

OJO! DEFIENDETE!

I. NO DEJES QUE TE DESPIDAN DE TU TRABAJO POR LA SIMPSON-RODINO

A. LA LEY SOLO APLICA A LOS TRABAJADORES CONTRATADOS DESPUES DE QUE LA LEY ENTRE EN EFECTO DESPUES DE MAYO 1, 1987.

B. LA LEY NO APLICA A LOS TRABAJADORES QUE YA ESTEN TRABAJANDO ANTES DE MAYO 1, 1987.

C. NO HAY CASTIGO PARA EL PATRON SI TE MANTIENE EN EL TRABAJO.

II. QUE HACER SI TE DESPIDEN DEL TRABAJO O TE DISCRIMINAN USANDO LA LEY COMO EXCUSA.

A. REGISTRA UNA QUEJA CON TU SINDICATO Y DEMANDA QUE TE DEFIENDAN.

B. PIDE ASISTENCIA A UNA ORGANIZACION DE LA COMUNIDAD O DE SERVICIOS LEGALES GRATUITOS O A TU IGLESIA.

C. SI ERES CIUDADANO O RESIDENTE Y TE DISCRIMINAN PUEDES DEMANDAR A LA COMPANIA POR DISCRIMINACION.

III. NO VAYAS A LA MIGRA A PEDIR LA AMINISTIA. TE ESTAS ENTREGANDO. LA LEY NO ESTA EN EFECTO TODAVIA.

A. NO TE DEJES ENGANAR. NO LE PAGUES A NADIE DINERO POR TRAMITAR TU LEGALIZACION, TE PUEDEN ENGANAR.

B. SI QUIERES INFORMACION COMUNICATE A TU UNION, A TU IGLESIA O A UNA ORGANIZACION DE LA COMUNIDAD O DE SERVICIOS LEGALES.

PARA MAS INFORMACION ACUDA A: HERMANDAD MEXICANA NACIONAL
8601 LANKERSHIM BLVD
SUN VALLEY, CALIF. 91352
TEL. 818-768-1171

BAJO LA NUEVA LEY!

- PODRA OBTENER VISA DE RESIDENTE PERMANENTE SI UD. ESTA AQUI DESDE ENERO 1° De 1972. NECESITA PRESENTAR PRUEBAS DE CADA ANO TALES COMO: TALONES DE CHEQUES DE PAGO, COPIAS DE SUS TAXES (SI LOS HIZO) RECIBOS DE RENTA DE DOCTORES U HOSPITALES O DE CUENTAS QUE PAGO EN ABONOS. SI NO TIENEN PRUEBAS EN FORMA DE RECIBOS O DOCUMENTOS ALGUNOS PUEDE PRESENTAR JURAMENTOS DE PERSONAS QUE LO CONOCEN.

- UD PODRA OBTENER SUSPENSION DE DEPORTACION SI UD. ESTA AQUI DESDE 1978 SIN INTERRUPCION TIENE PRUEBAS COMO EN EL CASO DE LOS QUE ESTAN AQUI DESDE ANTES DE 1972. TAMBIEN TIENE QUE PROBAR QUE UD Y SU FAMILIA SUFRIRIAN DANOS FUERTES AL REGRESAR A SU PAIS DE ORIGEN.

- AL PRESENTAR SU PETICION EN AMBOS CASOS ARRIBA MENCIONADOS PODRA OBTENER EL DERECHO DE TRABAJAR AQUI HASTA QUE SE DECIDA SU CASO. EN AMBOS CASOS NO TENDRA QUE PRESENTAR PRUEBAS SOBRE LA CONSITUCION O EL GOBIERNO DE ESTE PAIS EN INGLES, NI LA PRUEBA DE SABER EL INGLES.

- SI UD. ESTA AQUI DESDE ENERO 1° DE 1982 SIN INTERRUPCION LARGA DE CONSIDERARSE COMO CON RESIDENCIA EN ESTE PAIS, ES DECIR QUE SOLO HA SALIDO PORQUE FUE DEPORTADO O POR ALGUNA EMERGENCIA FAMILIAR O PERSONAL Y LUEGO SE REGRESO A ESTE PAIS. TAMBIEN TENDRA QUE COMPROBAR SU ESTANCIA SIN INTERRUPCIONES LARGAS, PUREBAS DE NO TENER FALLAS EN CONDUCTA CON LAS AUTORIDADES, PODER HABLAR EL INGLES Y PODER PASAR UN EXAMEN SOBRE LA CONSITUCION, GOBIERNO E HISTORIA DE LOS EE UU AA Y ESTAR MATRICULADO EN CLASES DE INGLES.

- SI UD. HA TRABAJADO EN CAMPO AGRICOLA O EN LA AGRICULTURA POR EL ANO DE 1986 POR UN PERIODO DE 90 DIAS PODRA OBTENER PERMISO TEMPORAL PARA QUEDARSE AQUI Y LE DARAN PERMISQ PARA TRABAJAR Y CUANDO CUMPLA TRES ANOS DE TRABAJAR 90 DIAS EN CADA ANO PODRA CALIFICAR PARA RECIBIR UNA VISA DE RESIDENTE PERMANENTE.

- SI UD. YA HA TRABAJADO EN LA AGRICULTURA POR 90 DIAS EN LOS ANOS DE 1984, 1985 Y 1986 PODRA CALIFICAR PARA RECIBIR UNA VISA DE RESIDENTE PERMANENTE.

- LE INSTAMOS NUEVAMENTE QUE NO SE DEJE LLEVAR POR CONSEJEROS MAL INFORMADO O MAL INTENCIONADOS....NO VAYA A LA INMIGRACION HASTA QUE NO HAYA CONSULTADO CON SU UNION, ORGANIZACION O SU IGLESIA...SI TIENE ALGUNA DUDA HABLE A ESTA ORGANIZACION Y LE DAREMOS LOS MEJORES INFORMES.

- SI LO DETIENE LA INMIGRACION, RECUERDE SUS DERECHOS NATOS CONSITUCIONALES QUE SON: NO FIRME LA SALIDA VOLUNTARIA....NO LES DE MAS QUE SU NOMBRE Y SU DOMICILIO... NO DE INFORMES SOBRE DE QUE PAIS ES, POR DONDE ENTRO Y CUANDO...DIGALES QUE UD. QUIERE HABLAR CON SU ABOGADO Y QUE SU ABOGADO LES DARA TODA LA INFORMACION QUE ELLOS LE PIDEN A UD...PIDA SALIR FUERA BAJO SU PALABRA DE HONOR O BAJO FIANZA COMODA.....RECUERDE QUE UD. NO PODRA SER DEPORTADO SI UD. NO LES FIRMA LA SALIDA VOLUNTARIA O SI NO LES DA INFORMES SOBRE SU ORIGEN Y SU ENTRADA.

RECUERDE QUE TODA ORDEN DE DEPORTACION PUEDE SER APELADA, NO SE DE POR PERDIDO.

RECUERDE UD. TIENE DERECHOS! DEFIENDASE!

HERMANDAD MEXICANA NACIONAL

SOCIAL SECURITY ADMINISTRATION

P. O. BOX 57

BALTIMORE, MARYLAND

SIRS:

PLEASE SEND ME A STATEMENT OF MY SOCIAL SECURITY EARNINGS. MY SOCIAL SECURITY NUMBER IS _____ AND MY DATE OF BIRTH IS _____.

PLEASE SEND IT TO THE FOLLOWING ADDRESS.

_____

_____

_____

HERMANDAD MEXICANA DEL VALLE DE SAN FERNANDO

SOLICITUD PARA LEGALIZACION

Fecha de Inscripcion _____ Numero de Credencial _____

Nombre _____
Apellido Paterno

Domicilio _____
Calle Ciudad Zona Postal

Numero Telefonico _____ Estado Migratorio _____

Edad _____ Sexo _____ Estatura _____ Peso _____ Cabello _____ Ojos _____

Fecha de Nacimiento _____ Lugar de Nacimiento _____

Numero de Seguro Social _____ Estado Civil _____

_____
Compania de Trabajo Trabajo que Desempena Sueldo

Domicilio _____

de Empleados _____ °/₀ de Hispanos _____ Union _____

Conyuge _____

Edad _____ Sexo _____ Estatura _____ Peso _____ Cabello _____ Ojos _____

Fecha de Nacimiento _____ Lugar de Nacimiento _____

Numero de Seguro Social _____ Estado Migratorio _____ # de Hijos ____

_____
Compania de Trabajo Trabajo que Desempena Sueldo

Domicilio _____

de Empleados _____ °/₀ de Hispanos _____ Union _____

_____
Nombre de Hijo Edad Lugar de Nacimiento

_____
Nombre de Hijo Edad Lugar de Nacimiento

_____
Nombre de Hijo Edad Lugar de Nacimiento

_____
Nombre de Hijo Edad Lugar de Nacimiento

Parroquia que asiste _____

CUANDO ENTRO A ESTE PAIS PARA QUEDARSE_____SU ESPOSO/A_____
SUS HIJOS/AS_____

QUE ANOS HA HECHO TAXES_____SU ESPOSO/A_____

QUE ANOS A TRABAJADO UD._____SU ESPOSO/A_____

PARA TRABAJADORES AGRICOLAS

HA TRABAJADO UD. EN EL CAMPO/AGRICULTURA_____DURANTE 1984_____

DURANTE 1985_____DURANTE 1986_____SU ESPOSO/A DURANTE 1984_____

1985_____1986_____.

XXXXXXXXXXXXXXXX

TIENE UD. TALONES DE CHEQUES DE SU PAGO_____SU ESPOSO/A_____.

TIENE RECIBOS DE RENTA_____DE HOSPITAL/DOCTORES_____DE OTRO TIPO

DE RECIBOS DE PAGOS EN ABONOS._____.

TIENE UD. RECORDS DE ESCUELAS DE UD., SU ESPOSA, O SUS HIJOS._____

QUIENES SON CIUDADANOS NACIDOS O NATURALIZADOS EN ESTE PAIS MIEMBROS DE

SU FAMILIA?_____.HA SIDO DEPORTADO UD?____

SU ESPOSO/A?_____.CUANDO_____EN DONDE_____

SABE INGLES UD?_____SU ESPOSO/A_____. ESTA MATRICULADO EN CLASE DE

INGLES UD?____SU ESPOSO/A?_____.HA HECHO SOLICITUD UD. PARA VISA?___

SU ESPOS/A?_____CUANDO?_____DONDE?_____. ESTA UD.

BAJO PROCESO DE DEPORTACION POR ALGUNA DETENCION DE LA MIGRA?_____

SI ESPOSO/A?_____FECHA DE SIGUIENTE AUDIENCIA_____.

PARA SALVADORENOS O GUATEMALTECOS

HIZO UD. PETICION PARA ASILO POLITICO?_____SU ESPOSO/A?_____CUANDO___

_____ DONDE_____. TIENE ALGUNAS PRUEBAS O DOCUMENTOS

SOBRE ESTA PETICION?_____.QUIEN SE LA HIZO?_____

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

TIENE DATOS POLICIACOS EN ESTE PAIS QUE NESECITA LIMPIAR DE SU RECORD UD?

_____SU ESPOSO/A?_____.DONDE?_____CUANDO?_____

TIENE UD. TESTIGOS QUE PUEDAN JURAR QUE LO CONOCEN A UD. O A SUS FAMILIARES

DESDE QUE ENTRARON A ESTE PAIS O POR ALGUN TIEMPO DESDE QUE ENTRARON?____

QUIENES SON ESTOS TESTIGOS?_____

TAYLOR, ROTH & BUSH

LABOR LAW UPDATE

OCTOBER 1986 VOL. V, NO. 3

617 South Olive Street Los Angeles, California 90014 (213) 623-8000

UNDOCUMENTED WORKERS ELIGIBLE FOR BACK PAY AND REINSTATEMENT AWARDS IN ARBITRATION

An arbitrator may award back pay and reinstatement to an employee who has been unjustly discharged for failing to satisfy the employer that he was in the country legally, even though the employee's immigration status remains questionable, a federal appeals court sitting in San Francisco has held.

The important opinion distinguishes the United States Supreme Court's decision in Sure-Tan, Inc. v. NLRB, 467 U.S. 883, 81 L. Ed. 2d 732 (1984), which had thrown out an NLRB order reinstating and awarding back pay to employees who had left the country pursuant to proceedings before the Immigration and Naturalization Service ("INS").

The appeals court now says that the employees in the case before it had not yet been subject to any proceedings before the INS. Therefore, the arbitrator's decision, which awarded them reinstatement and back pay, did not conflict with federal immigration law.

The appeals court emphasized that, at the time it decided this case, neither the state nor the federal government had passed any law prohibiting the employment of undocumented workers. Bevles Co. v. Teamsters Local 986, 791 F.2d 1391 (9th Cir. June 17, 1986).

NOTE: The future effect of this case is uncertain. First, the employer involved has asked the United States Supreme Court to review the decision. Second, Congress this month has passed, and President Reagan has signed, an immigration bill that makes unlawful the hiring of undocumented workers.

COURT REQUIRES EMPLOYER UNCONDITIONALLY TO REINSTATE UNDOCUMENTED WORKER WHO ORGANIZED UNION DRIVE

A Los Angeles federal district court has ordered the unconditional reinstatement of an arguably undocumented worker, even though the National Labor Relations Board -- which initiated the proceedings in connection with unfair labor practice charges during a union organizing campaign -- had requested only that the court reinstate the worker on the condition that he produce evidence of his right to remain in the United States.

The NLRB has adopted a policy of refusing to seek or order unconditionally its traditional remedies for unfair labor practice victims who are, or may be, undocumented workers within the meaning of the United States Supreme Court's decision in Sure-Tan, Inc. v. NLRB, 467 U.S. 883, 81 L. Ed. 2d 732 (1984). But a federal appeals court based in San Francisco has interpreted the Sure-Tan decision as restricting the application of traditional NLRB remedies only as to workers who have actually been deported. Local 512, Warehouse & Office Workers' Union v. NLRB (Felbro, Inc.), 795 F.2d 705 (9th Cir. July 22, 1986).

Armed with the Felbro decision, the United Electrical, Radio & Machine Workers Union intervened in the NLRB's proceedings for a conditional injunction against Gardena-based K-Jack Engineering Company. The UE, represented by Taylor, Roth & Bush, successfully argued that the Board must order the worker's reinstatement without his having to provide evidence of his legal immigration status. Goubeaux v. K-Jack Engineering Co., Civ. No. 86-4728 (C.D. Cal. Aug. 4, 1986).

Catholic Charities of the Diocese of Orange
IMMIGRATION AND RESETTLEMENT SERVICE
2110 East First St., Suite 115 • Santa Ana, CA 92705 • (714) 547-0003

LEGALIZACION

El Servicio Catolico de Inmigracion y Ciudadania estara aceptando casos de las personas interesadas en solicitar su legalizacion bajo la nueva ley de amnistia. Los que califiquen tendran permiso temporal para permanecer en los Estados Unidos y despues podran aplicar para su residencia permanente en los Estados Unidos.

Si Ud. tiene interes en este programa de legalizacion, por favor llene los formularios adjuntos y reuna los documentos mencionados. Cuando Ud. llene estos formularios, llamenos para hacer una entrevista para determinar si Ud. califica. Estas entrevistas seran dadas despues de que el Servicio de Inmigracion y Ciudadania del govierno pase sus regulaciones para la nueva ley. Esperamos saber de esas regulaciones en enero de 1987.

El Servicio Catolico de Inmigracion y Ciudadania hara el procedimiento sin cobrar, pero pedimos una donacion. Sugerimos una donacion de cien dolares, la cual no es una donacion obligatoria. Si se acepta su caso, los servicios seran dados aunque Ud. no pueda o quiera hacer una donacion. Sin embargo, su donacion nos ayudara para servir a los menos afortunados que Ud.

Si Ud. entrega un sobre con su direccion cuando entregue los formularios, haremos una cita para Ud. automaticamente. Sugerimos eso para assegurar que Ud. tenga la entrevista lo mas pronto posible.

Gracia por decidir usar los servicios de nuestra Agencia.

Atentamente,

Ted McCabe Jr.
Abogado
Coordinador Interino
Inmigracion

DSF 10 DCC12 00

INS SUSPENDS U.S. CONSTITUTION IN
ESTABLISHMENT OF RULES FOR IMPLEMENTATION OF
IMMIGRATION BILL charges LOCAL GROUP —

by Daniel L. Munoz

SAN DIEGO, CALIF.....THE IMMIGRATION AND NATURALIZATION SERVICE (INS) ISSUED PROPOSED REGULATIONS FOR IMPLEMENTING PROVISIONS OF THE RECENTLY PASSED SIMPSON/ RODINO IMMIGRATION BILL.

THE DRAFT REGULATIONS PROPOSED BY THE INS WOULD GO INTO EFFECT JUNE 1. ACCORDING TO THE INS THE REGULATIONS CLOSELY REFLECT THE LAW AND THE INTENT OF CONGRESS. A STATEMENT WHICH IS VEHEMENTLY QUESTIONED BY HERMAN BACA, CHAIRMAN OF THE COMMITTEE ON CHICANO RIGHTS, A NATIONAL CITY BASED RIGHTS ORGANIZATION.

" WHAT WE HAVE HERE IS AN ATTEMPT BY THE INS APPARATUS TO SUSPEND THE CONSTITUTIONAL RIGHTS AND GUARANTEES OF EVERY AMERICAN CITIZEN BY ADMINISTRATIVE REGULATION!." SAID BACA IN A PREPARED NEWS RELEASE.

THE PROPOSED NEW RULES ISSUED BY THE INS WOULD REQUIRE THAT EACH EMPLOYER FROM THE SMALLEST TO THE LARGEST MUST HAVE EACH INDIVIDUAL THAT HE HAS HIRED SINCE NOVEMBER 6 , AND HENCEFORTH, FILL OUT A FORM I-9. THIS FORM WOULD REQUIRE THE EMPLOYER TO PROVIDE BIOGRAPHICAL INFORMATION ON THE EMPLOYEE AND WHICH WOULD ATTEST UNDER PENALTY OF PERJURY , THAT THE WORKER IS A CITIZEN OR AN ALIEN AUTHORIZED TO WORK IN THE COUNTRY. THE PROPOSED RULES ALSO SPECIFY WHAT SUPPORTING DOCUMENTS CAN BE SUBMITTED AS PROOF. FOR AMERICAN CITIZENS, A PASSPORT IS SUFFICIENT BY ITSELF. HOWEVER, SINCE MUST AMERICAN CITIZENS DO NOT HAVE PASSPORTS, THEY CAN SUBMIT A COMBINATION OF TWO DOCUMENTS, SUCH AS A SOCIAL SECURITY CARD OR A DRIVER'S LICENSE BEARING A PHOTOGRAPH OF THE INDIVUDUAL. OTHER FORMS OF

(more)

paper identification ARE ALSO SPECIFIED.

" THE PROPOSED REGULATIONS PROPOSES TO MAKE OUT OF EACH EMPLOYER WHETHER IT BE ~~GENERAL DYNAMICS OR THE LITTLE FLOWER SHOP ON THE CORNER~~ THE HOUSE WIFE, A SMALL BUSINESS OR ~~[illegible]~~ CORPORATION A PSUDEO ~~MEMBER~~ LAW ENFORCEMENT AGENT OF THE INS. UNDER PENALTY OF PERJURY, EACH BUSSINESS IN THIS COUNTRY WILL NOW BE BURDEN WITH HAVING TO VERIFY THE CITIZENSHIP OF ~~[illegible]~~ 100 MILLIONS OF WORKING AMERICANS AND LEGAL ALIENS." said BACA.

BACA POINTED OUT THAT THE LARGEST CORPORATIONS WILL SMALLEST HOUSEHOLD TO THE ~~BEAR~~ DEAR THE BURDEN OF THE INS PROPOSED REGULATIONS. THE ~~[illegible]~~ FILLING OUT OF THE BIOGRAPHICAL FORMS, IDENTITY FORMS, STATEMENTS VERIFICATIONS WILL ADD MILLIONS TO THE COST OF DOING BUSINESS. A BURDEN THAT THEY WILL NOT SOON FORGET WAS LAID ON THEM BY THE ~~[illegible]~~ REAGAN REPUBLICAN ADMINISTRATION AND THE 99TH CONGRESS.

" THE MAJOR CORPORATIONS AT LEAST WILL HAVE THE STAFF TO ATTEMPT TO COMPLY BUT WHAT ABOUT THE SMALL BUSINESSMAN? IF HE FAILS TO SATISFY THE INS INSPECTOR, HE MAY BE CHARGED WITH INTENTIONALLY ~~ATTEMPTING~~ TRYING TO HIRE AN ILLEGAL ~~[illegible]~~ ALIEN" AND BE SUBJECTED TO HEAVY FINES & JAIL AS SPECIFIED IN THE NEW REGULATIONS." SAID BACA.

OF MAJOR CONCERN TO BACA AND OTHER CIVIL RIGHTS ORGANIZATION ARE THE PROPOSED RULES WHICH STATED THAT "EMPLOYERS MUST MAKE THE FORMS WHICH ARE FILLED OUT AVAILABLE FOR INSPECTION 'UPON DEMAND' ~~[illegible]~~ TO AN INS OR LABOR DEPARTMENT OFFICIAL. EMPLOYERS MUST ATTEST UNDER PERJURY THAT THEY HAD NO REASON TO SUSPECT THAT THE DOCUMENTS WERE NOT AUTHENTIC. UNDER THE PROPOSED LAW, EMPLOYERS WHO ~~KNOWINGLY~~ KNOWINGLY HIRE UNDOCUMENTED ALIENS ARE SUBJECT TO FINES BEGINNING AT ~~[illegible]~~ $250 per worker and ranging up to $10,000 per worker ~~[illegible]~~ AND POSSIBLE JAIL FOR REPEAT OFFENDERS.

" THE PROPOSED RULES STATE THAT EMPLOYERS MUST PRODUCE IMMEDIATELY THE INDICATED FORMS. NO SUBPONEAS , WARRANTS OR ADVANCE NOTICE WILL BE ~~REQUIRED~~ REQUIRED. MY QUESTION IS HAS THE INS SUSPENDED THE CONSTITUTION WITH ITS GUARANTEES ? WHAT HAS HAPPENED TO THE 14th AMENDMENT OF ~~THE~~ THE

CONSTITUTION WHICH GUARANTEES DUE PROCESS? IS THE INS NOW UNILATERALY DECIDED THAT THEY ARE GOING TO IGNORE THE CONSTITUTION? WHAT HAPPENED TO THE 4TH AMENDMENT WHICH PROHIBITS ILLEGAL SEARCH AND SEIZURE WHICH REQUIRES WARRENTS BEFORE THEY CAN DEMAND OR SEARCH YOUR PREMISES? DOES THE INS BELIEVE THAT THEY ARE NOW AMERICA'S KGB/NATIONAL POLICE? WHAT HAPPENED TO THE 5TH AMENDMENT OF THE CONSTITUTION WHICH STIPULATES THAT NO ONE CAN BE MADE TO SELF INCRIMINATE? WE WONDER IF THE MEMBERS OF CONGRESS REALLY UNDERSTOOD WHAT THEY WERE DOING WHEN THEY PASSED SIMPSON/RODINO? OR, are they simply unaware of what the INS now proposes in The Federal Register?" asked BACA.

THE COMMITTEE ON CHICANO RIGHTS ALONG WITH MOST OTHER CHICANO ORGANIZATIONS HAVE OVER A PERIOD OF 15 YEARS BEEN ATTEMPTING TO ALERT THE PUBLIC & THE POLITICAL INFRASTRUCTURE AND MEMBERS OF THEIR OWN COMMUNTIES TO THE INHERENT DANGERS WHICH WERE EMBODIED IN EACH AND EVERY IMMIGRATION PROPOSAL PLACED BEFORE THE CONGRESS.

" WE HAVE BEEN SENDING THE DANGER SIGNALS FOR OVER A DECADE, " SAID BACA. " WE HAVE KNOWN AND TRIED TO INFORM THE PUBLIC THAT THE UNDOCUMENTED WASN'T THE ISSUE. UNEMPLOYMENT WASN'T THE ISSUE. THE SO CALL "BROWN HORDES" STREAMING ACROSS THE BORDER WASN'T THE ISSUE. THAT THE CRIMES ASCRIBED TO THE UNDOCUMENTED WASN'T THE ISSUE. THE ISSUE all along has been the Denial of Civil & Constitutional Rights," he SAID.

AT FIRST THE MAJOR ELEMENTS WITHIN THE SECONDARY LABOR MARKET ORCHESTRATED THE ATTACK SO THEY COULD CONTINUE TO ASSURE A CHEAP MANIPULATIVE SOURCE OF LABOR FOR THEIR SHIPYARDS AND POTATO FIELDS. NOW THE IMMIGRATION ISSUE HAS TAKEN ON A SINISTER ASPECT WHICH SHOULD BRING FEAR TO EVERY AMERICANS HEART. AT STAKE NOW IS THE PROPOSED CREATION OF A NATIONAL POLICE FORCE, A "KGB," IF YOU WILL, WHICH CAN AND WILL STRIKE FEAR ANYWHERE AND EVERYWHERE ACROSS AMERICA, LIKE IT HAS IN THE CHICANO/LATINO COMMUNITY FOR DECADES! THE INS WILL AND CAN BECOME A TOOL FOR THOSE WHO DON'T REALLY CARE ABOUT THE CONSTITUTION BUT ONLY CARE ABOUT EXPLOITING IT'S PEOPLE, and RESOURCES, and, DOING IT WITH THE ASSISTANTANCE OF A NATIONAL PODICE FORCE. THEY HAVE LEARNED THEIR LESSONS WELL FROM SO. AFRICA, and RUSSIA ....AND THE CONGRESS SEEMS TO BE LETTING THEM.

more

~~t~~ GET AWAY WITH IT", STATED BACA.

" THE PROPOSED RULES WHICH HAVE BEEN PUBLISHED IN THE FEDERAL REGISTER ARE OPEN TO PUBLIC COMMENT. A REVISED SET OF RULES WILL BE PUBLISHED IN THE FEDERAL REGISTER ON FEB. 25. MORE PUBLIC COMMENT WILL BE SOUGHT. THE FINAL REGULATIONS WILL BE ISSUED IN MID-APRIL," INS OFFICIALS SAID.

FROM JUNE 1, 1987 THROUGH MAY 31,1988, EMPLOYERS WILL RECEIVE ONLY A CITATION, OR WARNING, FOR A FIRST OFFENSE. THE EMPLOYER COULD BE PENALIZED FOR SUBSEQUENT OFFENSES. ON JUNE 1, 1988, THE WARNING PERIOD ENDS AND THE LAW WILL BE IN FULL FORCE.

" EMPLOYERS THEREAFTER WILL HAVE TO RETAIN THESE FORMS FOR AT LEAST 3 YEARS AND ~~SHALL~~ NOT DISPOSE OF THEM UNTIL ONE YEAR AFTER THE INDIVIDUAL'S EMPLOYMENT ENDS," THE NEW RULES SAY.

" IT NO LONGER IS A CHICANO ISSUE OR AN UNDOCUMENTED ALIEN ISSUE, IT IS NOW AN ISSUE THAT AFFECTS ~~AMERICA~~ the U.S. Constitution. MY SUGGESTION TO THE 220 MILLION AMERICAN CITIZENS, THAT HAVE BEEN SITTING ON THE SIDELINES, ~~ON THE ISSUE~~ IS THAT THEY HAD BETTER BEGIN MAKING THEIR CONGRESSMEN AND ~~XXXXXXX~~ SENATORS ACCOUNTABLE FOR THEIR ACTIONS.....FAST." CONCLUDED BACA.

D.C.T

~~THE PUBLIC~~ U.S. CITIZENS URGE THE CONGRESS PERSON
TO STOP THE INS ~~BOO~~ RULES

INS weighing proposals to fortify Mexican border

By Chet Barfield E.T. 2/11/87
Tribune Staff Writer

The Immigration and Naturalization Service is expected to issue a report within three weeks outlining proposals to fortify the Mexican border, including the possibility of erecting miles of concrete barricades in both directions from the Otay Mesa Port of Entry, the agency's Western regional commissioner says.

The commissioner, Harold Ezell, said a low, solid wall or some other type of buttress is needed to keep cars and trucks from driving across the two miles of flat, open terrain to bypass the checkpoint and enter the United States.

"We've got to have something to stop them," he said. "It's a smuggler's paradise down there. ... We have chases going on every night."

Ezell said the INS, in conjunction with the Army Corps of Engineers, also is exploring the feasibility of reinforcing the 10-foot-tall chain-link fence that stretches from the Pacific Ocean to a gully east of the San Ysidro checkpoint known as "Washer Woman's Flat."

That fence and others along San Diego County's border with Mexico are so hole-riddled and porous

HAROLD EZELL
"We've got to ... stop them"

"they're really kind of a joke," Ezell told members of the Kiwanis Club of San Diego.

"I really believe that the borders of this nation are just as important as the front door or back door of your homes and businesses," he said.

Please see BORDER, A-9

★Border

Continued From Page 1

"Would you have gone to sleep last night ... without checking to make sure your front doors and back doors are secure?

"I am not — nor is the immigration service, nor is the Department of Justice — saying, 'Close the borders.'

"We're saying, 'Control the borders.'"

In an interview after his luncheon address, Ezell said he expects findings of the fortification study to be released by March 1. While not ruling out the possibility of concrete barriers or even a solid wall, Ezell was quick to add that he is "not saying that's the answer."

"I don't know how acceptable that will be," he said.

Ezell said the 5½-mile fence between San Ysidro and Tijuana — which, according to Border Patrol records, was completed in 1979 at a cost of $1.2 million — could be strengthened with "heavier fencing" added to the existing chain-link structure.

Border Patrol spokesman Wayne Kirkpatrick said the fence already has a heavy metal grating along the bottom third. Nevertheless, he said, there are "gaping holes" in many parts of it.

Kirkpatrick said the area Ezell cited as a possible location for concrete buttressing — the desert between the Otay Mesa port and the foothills on the east and west — is flanked with a barbed-wire fence that in many places has been cut or, in some cases, crashed through by cars, trucks, vans and motorcycles. He said steel posts anchored in cement have been tried to block large drive-through accesses, but those, too, have been overcome.

"We've had people hook up a chain and pull them over," he said.

Kirkpatrick said he often is asked why the United States does not simply put a "European mode of fencing" along the entire Mexican border.

"I say it's because this country's not the type of country that requires a Berlin Wall," he said.

In his speech to the Kiwanians, Ezell said a wide building-free buffer zone is needed along the Otay Mesa border, where heavy development is planned.

A minimum setback of 200 feet is needed, he said.

"That needs to be paved," he said. "It needs to be lit. It needs to be fenced."

At that point, a listener evoked laughs by calling out, "And mined?"

"I didn't say that," the commissioner joked, drawing more laughter.

2/12/87

Los Angeles Times

U.S. May Put Up Barriers at Border

Another Plan to Stem Flow of Illegal Aliens From Mexico

By PATRICK McDONNELL, *Times Staff Writer*

In recent years, U.S. immigration officials seeking to stem the flow of illegal aliens from Mexico across the southern border have constructed million-dollar chain-link fences, added almost 1,000 new border guards, deployed helicopters and other aircraft, and made use of night-vision scopes and dozens of other high-technology gadgets.

None of it has worked.

Now they're talking about building a wall. Well, not exactly a wall. More like concrete barricades.

After published reports that immigration authorities were seeking to "fortify" the border through the possible construction of wall and an improved fence, officials were quick to present their plans in a less imposing fashion.

"We do not have plans to erect anything that resembles the Berlin Wall," said Wayne Kirkpatrick, a spokesman for the U.S. Border Patrol in San Diego.

"I think it's misleading when we say 'fortifying,'" added Harold Ezell, western regional commissioner for the U.S. Immigration and Naturalization Service, parent body of the Border Patrol. "Fortifying sounds too militaristic."

Rather, officials said, the service is studying the possibility of building several miles of concrete "barricades" or other "impediments" to prevent illegal aliens from driving across the border amid the isolated, flat terrain that separates much of Tijuana from San Diego County. (The area, policed by the San Diego sector of the Border Patrol, accounted for more than one-third of the 1.7 million illegal aliens arrested along the border last year.) In addition, authorities are considering the reinforcement of the notoriously porous fence that stretches from the Pacific eastward along the border to the San Ysidro port of entry. The fence is full of holes.

"I don't really think we have a meaningful fence," Ezell said.

The proposal was immediately greeted with guffaws by groups that often represent undocumented immigrants and have long been critical of federal officials' asserted desire to "militarize" the border.

"It's ludicrous," said Herman Baca, chairman of the Committee on Chicano Rights, a San Diego group that monitors immigration issues. "We don't need a Berlin Wall. . . . You can't expect to stop illegal immigration without getting at the root causes."

The 1,900-mile U.S.-Mexico border is dotted with rusting fences—always chock full of holes—that stand as testaments to the failure of the United States to block the passage of illegal aliens from Mexico.

Perhaps the most infamous effort was the so-called "Tortilla Curtain"—a chain-link fence that stretches for several miles along the border in El Paso and was constructed in the late 1970s at a cost of more than $1 million. Though ballyhooed as a potential solution to the problem of illegal immigration from Mexico, the fence along the Rio Grande is now marked by numerous man-sized holes cut out by illegal aliens entering the United States.

Nonetheless, the often-controversial Ezell predicted that the proposal for reinforcing the border fences and constructing new barricades will be a reality by fall. He said Mexican officials also will be consulted. There was no estimate on the cost of the project, which Ezell said will be submitted to Washington this month. He defended the plan as part of an overall strategy of border enforcement.

"The barriers in themselves are not going to do the job," said Ezell, citing an increased Border Patrol presence and implementation of the new national immigration law as other components in the strategy. "It's all part of an overall effort to get some control on the borders."

ONE HUNDREDTH CONGRESS

Congress of the United States

House of Representatives

LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
RAYBURN HOUSE OFFICE BUILDING, ROOM B-373
WASHINGTON, DC 20515

January 12, 1987

Herman Baca, President
Committee on Chicano Rights, Inc.
1837 Highland Avenue
National City, California 92050

Dear Mr. Baca:

Your recent letter, addressed to House Speaker Jim Wright, has been forwarded to me for response as the Committee on Government Operations has jurisdiction over issues dealing with reorganizing the Federal Government.

I have noted carefully the points you make to support your suggestion that a new agency be created to administer the new amnesty program contained in the recently enacted immigration legislation. You express considerable doubt that the Immigration and Naturalization Service can administer the program successfully because of its past history of poor administration and unfair dealing and a 9-year backlog of cases.

Your concern in this matter can certainly be appreciated, and you may be assured that should the Administration propose legislation to create a new agency to administer this program, it will be carefully considered.

Meanwhile, with every good wish to you, I am

Sincerely,

JACK BROOKS
Chairman

UNITION THROUGH THE AGES

ic Man learned that he could eadly rock by using a sling.

1300's, the first d huge stone balls der. At times, they ll stones and other alled "langrage."

By 1400, cast-iron balls were used in place of stones. In the late 1400's, smaller metal balls were used in the first hand guns.

Army experimentally fired the first shell filled with a nuclear charge. In the 1940's and 1950's, nations began adding new forms of ammunition to their arsenals, including guided missiles. JACK O'CONNOR

Related Articles in WORLD BOOK include:

Artillery	Explosive	Magazine (military)
Atomic Bomb	Firearm	Ordnance
Ballistics	Fragmentation	Plastic Bomb
Bomb	Grenade	Rocket
Bullet	Guided Missile	Shrapnel
Cannon	Hydrogen Bomb	Torpedo
Depth Charge		

DEVELOPMENT OF SMALL ARMS AMMUNITION

Late 1400's—Lead Balls were used with loose powder charges.
c. 1550—Bandoleer Cartridges, of wood or metal tubes filled with powder, were hung from a soldier's bandoleer (belt). Powder was poured into the muzzle of the gun.
c. 1700—Charge and Ball Cartridges, powder charge and ball wrapped in paper, were widely used.
1830's—Bullets were made in pointed or conical shapes for early rifled muzzle-loading guns.
1840's—First Fixed Ammunition was used early in breech-loading guns. The bullet was fitted into a paper cylinder holding the powder.
1850's—First Metal Cartridge Cases were made of copper, followed in 1870's by brass.
1880's—Copper-Jacketed Lead Bullets came into use.
c. 1890—Steel-Jacketed Lead Bullets were fitted into clips for magazine rifles.
1941—Propellant Ammunition was used in bazookas.

c. 1700 Charge and Ball Cartridge

1830's Pointed Bullet

1840's First Fixed Ammunition

DEVELOPMENT OF ARTILLERY AMMUNITION

c. 1400—Cast-Iron Balls were fired with loose powder charges.
Early 1400's—Shells, or Hollowed Iron Balls, were filled with explosive charges and exploded by a slow match fuse.
c. 1500—Canister (small balls in lead cases) and **Grapeshot** (small balls in cloth bags) were used.
c. 1600—Fuses of Slow Burning Powder in wooden tubes came into use.
1700's—Cloth Bags for Powder Charges were common by 1750. **Wooden Time Fuses** were used for shells.
1850's—Solid Shot and Shells with long pointed shapes began to come into use.
c. 1865—Practical Mechanical Time Fuses for shells.
c. 1890—Fixed Ammunition, using smokeless powder, was widely used for breech-loading quick-firing guns.
1940's—Shaped-Charge Shells were developed to get more penetrating power on hitting the target.
c. 1943—Proximity Fuses were developed, using a radio device to explode shells close to a target.
1952—Nuclear Explosive Charge was used in shells.

1400's Exploding Hollowed Iron Shells

c. 1500 Grapeshot and Canister

1890 Fixed Ammunition for Quick-Firing Gun

st use of breech-loading shot-
s in a paper shell, metal car-

In the Mid-1900's propo
ammunition, such as the ro

AMNESIA, *am NEE zhih uh,* is the inability to recall some or all past experiences. Persons who suffer from amnesia lose the ability to recall past experiences, but not the ability to memorize (see MEMORY [Loss of Memory]). They may even leave their homes, wander for a while, and start a new life somewhere else. This wandering while experiencing amnesia is called *fugue.* Amnesia may either be caused by emotional shock or physical injury. In emotional shock, amnesia is usually restricted to experiences closely related to the cause of the shock. Doctors treat amnesia of emotional origin by hypnosis or with drugs such as sodium amytal or pentothal sodium. Physical injury, such as a heavy blow to the head, may cause actual changes in the brain, making recall impossible. GEORGE A. ULETT

AMNESTY, *AM nes tih,* is a legal term that means pardon and forgiveness on the part of a government. The term comes from the Greek word for *a forgetting.* Amnesty is a sort of peace treaty offered by a government to a group of its people who have rebelled. It is an effort by the government to restore good will. In the United States there is no legal difference between amnesty and *pardon.* But amnesty usually means pardon for groups or communities rather than for individuals. For example, in 1872, Congress passed the Amnesty Act which pardoned most Confederate veterans of the Civil War. See also PARDON. THOMAS A. COWAN

AMOEBA. See AMEBA.

Amon Was an Ancient Egyptian God. Mut Was His Wife.

AMON, *AHM un,* was the chief god of the ancient Egyptians. His main center of worship was in Thebes in Upper Egypt. Amon

AMORTIZATION. See BANKS AND BANKING (Loans).

AMOS, *AY mus,* a Hebrew, prophesied about 750 or 740 B.C. A Judean shepherd, he lived near Tekoa, south of Jerusalem, but he went to Bethel in Israel, the northern Jewish kingdom, to deliver his messages at the royal shrine. He threatened the king and the nation with ruin because of their selfishness, their unfairness to the poor, and their insincerity in religion. He pointed out that the Jewish nations should suffer even more for their sins than the surrounding heathen nations, because the Jews knew the true God. He demanded social justice. He was the first prophet to express clearly the idea that there is only one God for all nations.

The Old Testament book, *Amos,* is a record of his prophecies, with some information about the prophet. It is the earliest collection of a Hebrew prophet's sayings, and was probably compiled after his death. The language is simple and dignified. WALTER G. WILLIAMS

AMOY, *ah MOY* (pop. 600,000; alt. 15 ft.), is a seaport on the coast of Fukien province in southeast China. For location, see CHINA (political map). It is also the name of the island on which the port is located. Amoy was once the center of China's tea trade. The tea that was sunk in Boston Harbor in 1773 came from Amoy. Amoy has an excellent harbor.

During the 1600's, traders from Portugal carried on a large trade with Amoy, but the Chinese drove them out because they mistreated the people. A treaty with England in 1842 opened Amoy and four other ports to foreign trade, and gave special rights to foreigners living there. In 1943, Great Britain and the United States gave up these special privileges, and other countries followed their example. Before the Japanese occupation in 1938, Amoy had a flourishing trade. It imported a great deal of cotton, indigo, grain, and opium, and exported tea, camphor, paper, sugar, and earthenware.

Opposite Amoy is the island of Kulangsu, where many wealthy Chinese have their homes. From the port of Amoy, numerous Chinese from southern Fukien have gone to various countries in Southeast Asia. Most of the "overseas Chinese" in Southeast Asia speak the South Fukien or Amoy dialect. THEODORE H. E. CHEN

See also TREATY PORT.

AMP, abbreviation for ampere. See AMPERE.

AMPERE, *AM peer,* is the unit used to measure the rate of flow of an electric current. It is used to measure electricity much as the unit *gallons per minute* is used to measure water. Electric current flows at the rate of 1 ampere when 1 *coulomb* (the unit of electric charge) flows past a section of an electric circuit in 1 second (see COULOMB). Thus, 1 ampere equals 1 coulomb per second. By law, the ampere is defined in terms of the amount of force it produces, expressed in newtons.

A 100-watt light bulb requires about 1 ampere of current. Sensitive scientific instruments use current measured in *microamperes* (millionths of amperes), and

FOR IMMEDIATE PRESS RELEASE

NATIONAL CITY, CA 1/21/87

drafted RULES & REGULATIONS BY THE INS THAT IT WILL ~~NOT~~ REQUIRE UPON DEMAND I-9 NEW HIRE FORMS (SEE ENCLOSED ARTICLE) FROM HOUSE WIFES, SMALL BUSINESSES, & CORPORATIONS WITHOUT REQUIRING "SUBPONEAS, WARRANTS OR ADVANCE NOTICE" HAS BEEN DENOUNCED BY THE NATIONAL CITY BASED COMMITTEE ON CHICANO RIGHTS (CCR). HERMAN BACA CHAIRMAN OF THE CCR ACCUSSED ~~OF~~ THE INS OF ~~SUSPENDING~~ PROPOSING TO CONSTITUTIONAL RIGHTS & OF CREATING A THE PREQUISITES FOR A POLICE STATE APPARTUS IN THE UNITED STATES THE INS/BORDER PATROL IF THE NEW REGULATIONS ARE APPROVED STATED BACA WILL NOW BE ABLE TO IGNORE ESTABLISHED CONSTITUTIONAL GUARANTEES BY ~~ALLOWING THE GIVING THEM~~ ~~IN SENDING~~ THERE AGENTS TO WALK INTO ANY HOME, ~~OR BUSINESS~~ OFFICE, SMALL BUSINESS, CORPORATION, NEWSROOM, OR EVEN THE WHITE HOUSE TO INSPECT THERE PROPOSED I-9 NEW HIRE FORMS ON DEMANDS". WE QUESTION IF THE SUSPENSION OF THE U.S. CONSTITUTION WAS THE INTENTED PURPOSE OF THE U.S. CONGRESS IN PASSING THE SIMPSON/RODINO LEGISLATION, OR IF THEY ARE SIMPLYLY UNAWARE OF WHAT THE INS IS NOW PROPOSING IN THE FEDERAL REGISTER? WE ALSO QUESTION IF NO SUBPONEAS, WARRANT, OR ADVANCE NOTICE IS REQUIRED" IN THE PROPOSED INS RULES & REGULATIONS WHAT WILL ~~HAPPEN WITH~~ THE U.S. CONGRESS ~~GOING~~ TO PREVENT VIOLATIONS OF THE FOLLOWING ~~GUARANTEED~~ CONSTITUTIONAL AMNENDMENTS:

1(THE 4th AMENDMENT- THE RIGHT OF THE PEOPLE TO BE SECUREIN THEIR PERSONS, HOUSES, PAPERS, AND EFFECTS, AGANIST UNREASONABLE SEARCHES, SEZURES SHALL NOT BE VIOLATED; & NO WARRANTS SHALL BE ISSUED, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, & PATICULARLY BESCRIBING THE PLACE TO BE SEARCHED, & THE PERSON OR THING TO BE SEIZED.

B) 5TH AMENDMENT- NO PERSON SHALL BE COMPLLED TN IN ANY CRIMINAL CASE, TO BE A WITNESS AGANIST HIMSELF.

C) 14TH AMENDMENT- NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS, OF LAW, NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAW.

IN CONCLUDING BACA STATED THAT THE CCR HAS WRITTEN CONGRESSMAN DON EDWARDS OF THE CONSTITUTIONAL & LAW COMMITTE URGING ~~STOP~~ THE STOPAGE OF THE PROPOSED RULES IN THE FEDERAL REGISTER, & THAT

Committee on Chicano Rights, Inc.

FOR IMMEDIATE PRESS RELEASE

JANUARY 22,1987 NATIONAL CITY,CA

DRAFTED RULES AND REGULATIONS ISSUED BY THE IMMIGRATION AND NATURALIZATION SERVICE (INS) STATING THAT IT WILL REQUIRE NEW HIRE I-9 FORMS (SEE ENCLOSED ARTICLE) FROM HOUSE WIFES, SMALL BUSINESSES AND CORPORATIONS WITHOUT REQUIRING "SUBPENAS , WARRANTS OR ADVANCE NOTICE" HAS BEEN DENOUNCED BY THE NATIONAL CITY BASED COMMITTEE ON CHICANO RIGHTS (CCR).

HERMAN BACA CHAIRMAN OF THE CCR ACCUSED THE INS OF PROPOSING TO "SUSPEND CONSTITUTIONAL RIGHTS AND OF CREATING THE PREREQUISITE FOR A POLICE STATE APPARATUS IN THE UNITED STATES".

THE INS/BORDER PATROL UNDER THEIR PROPOSED RULES, IF APPROVED STATED BACA," WILL BE ABLE TO IGNORE ESTABLISHED CONSTITUTUIONAL RIGHTS BY ALLOWING THEIR AGENTS TO WALK INTO ANY HOME,OFFICE,SMALL BUSINESS, CORPORATION, NEWS ROOM, OR EVEN THE WHITE HOUSE AND DEMAND TO INSPECT THEIR PROPOSED I-9 NEW HIRE FORMS". "WE QUESTION IF THE SUSPENSION OF THE U.S. CONSTITUTION WAS THE INTENDED OBJECTIVE OF THE U.S. CONGRESS IN PASSING THE SIMPSON/RODINO IMMIGRATION OR IF THEY ARE NOW SIMPLY UNAWARE OF WHAT THE INS IS PROPOSING IN THE FEDERAL REGISTER?

WE ALSO QUESTION WHY NO SUBPENAS, WARRANTS OR ADVANCE NOTICE IS REQUIRED IN THE PROPOSED INS RULES AND REGULATIONS. WHAT IS THE U.S. CONGRESS NOW PROPOSE TO DO TO PREVENT THE VIOLATION OF THE FOLLOWING:

A.) THE 4TH AMENDMENT-THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS AND EFFECTS, AGAINST UNREASONABLE SEARCHES, SEIZURES SHALL NOT BE VIOLATED AND NO WARRANTS SHALL BE ISSUED, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION AND PARTICULARLY THE PLACE TO BE SEARCHED,THE PERSON OR THING TO BE SEIZED.

B.) 5th AMENDMENT- NO PERSON SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF.

C.) 14TH AMENDMENT- NO PERSON SHALL BE DEPRIVED OF LIFE LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW, NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION, THE EQUAL PROTECTION OF THE LAW.

1837 Highland Avenue, National City, CA 92050 (619) 474-8195

IN CONCLUDING BACA STATED THAT THE CCR HAS WRITTEN CONGRESSMAN DON EDWARDS OF THE SUB-COMMITTEE ON CONSTITUTIONAL RIGHTS URGING THE STOPPING OF THE PROPOSED RULES AND REGULATIONS IN THE FEDERAL REGISTER AND THAT IT IS URGING ORGANIZATIONS AND OTHERS WHO ARE CONCERNED WITH CONSTITUTIONAL RIGHTS TO CONTACT THEIR CONGRESSIONAL REPRESENTATIVES URGING THE DEFEAT OF THE PROPOSED INS RULES AND REGULATIONS.

FOR FURTHER INFORMATION CONTACT: HERMAN BACA (619) 474-8195

COMMITTEE ON CHICANO RIGHTS

All new hires would show ID

New INS rules propose check of Americans as well as aliens

New York Times News Service

WASHINGTON — Employers across the country would have to verify the citizenship status of all new employees, Americans and aliens, within 24 hours after they are hired, according to proposed rules to be issued this week by the Immigration and Naturalization Service.

The rules, which would go into effect June 1, are designed to carry out the landmark immigration law signed by President Reagan on Nov. 6. The law prohibits the hiring of illegal aliens, and it will offer legal status, or amnesty, to illegal aliens who have lived in this country continuously since before Jan. 1, 1982.

For the first time, it would also require Americans to present proof of citizenship when applying for jobs.

A confidential draft of the regulations also contains the application fees that the government is considering charging illegal aliens seeking legal status: $100 for each application and $50 for anyone appealing the denial of an application.

■ 707 arrested at Onofre checkpoint—**B-1**

This is the first indication of what these charges would be, but immigration officials said that they were still subject to review and that the exact amounts would probably not be disclosed in the regulations to be issued later this week.

Some members of Congress and alien-rights groups say the $100 charge is too steep. But the Reagan administration says Congress intended that the fees pay the entire cost of the legalization program.

The proposed new rules specify in detail the documents that must be presented by any U.S. citizen or alien applying for a job. In a separate area, they also specify the documents that illegal aliens can use to prove that they are eligible for amnesty.

The new rules governing job applicants would require that each individual fill out and sign a government form, designated I-9, providing biographical information and attesting, under penalty of perjury, that the worker is a citizen or an alien authorized to work in this country.

The proposed rules also specify the supporting documents that can be submitted as proof. For American citizens, a U.S. passport is sufficient by itself. Alternatively, a job applicant may offer a combination of two documents, such as a Social Security card and a driver's license bearing a photograph of the individual.

Employers must examine these documents to make sure that they "reasonably appear on their face to be genuine," the rules say. An employer who hires illegal aliens is subject to civil fines ranging from $250 to $10,000 for each illegal alien hired, depending on the number of prior violations. The law contains no exemption for small employers.

See INS on Page A-7

INS: New hires would show ID

Continued from A-1

The proposed rules generally follow the framework established by the Immigration Reform and Control Act of 1986. However, the proposals give much more detail and therefore may seem onerous to some employers.

In addition to being signed by every new employee, the new Form I-9 would have to be signed by every employer to demonstrate compliance with the law whenever a person is hired. The employer would have to list the documents he has examined to establish the worker's identity and "employment eligibility."

The employer would have to retain these forms for at least three years and could not dispose of them, in any event, until one year after the individual's employment ends.

The employer would be presumed in compliance with the law "for the first 24 hours after the worker has been hired." However, the form must be completed "no later than 24 hours after commencement of employment," the rules say.

The forms would have to be produced immediately for inspection if requested by an officer of the immigration service or the Labor Department. "No subpoena, warrant or advance notice will be required," the rules say. "Any refusal or delay in the presentation of each Form I-9 for inspection, after proper demand, constitutes non-compliance" with the law.

Mark W. Everson, executive associate commissioner of the INS, said people would have until Feb. 5 to file comments on the proposed rules. The agency will publish a revised version of the rules in the Federal Register on Feb. 25 and, after reviewing public comments, will issue final rules in mid-April, he said.

The proposed rules specify the documents that illegal aliens seeking amnesty can use to prove "continuous residence" in the United States since Jan. 1, 1982. The documents would include pay stubs, letters from employers, utility bills, school records, hospital records, rent receipts, bank statements, motor vehicle registration certificates, contracts, mortgages and deeds.

Under these rules, illegal aliens cannot qualify for amnesty if they have been absent from the United States for more than 60 days at a time, or for a total of more than 240 days, since Jan. 1, 1982.

Illegal aliens may apply for legal status in the period from May 5, 1987, through May 4, 1988. The government will set up nearly 100 offices around the country to accept applications.

The prohibition on hiring illegal aliens is already in effect. But no penalties will be imposed until June.

From June 1, 1987, through May 31, 1988, employers will receive only a citation, or warning, for a first offense. The employer could be penalized for subsequent offenses. On June 1, 1988, the warning period ends and the law will be in full force.

Under the law and the proposed regulations, a job applicant may be hired if he or she shows any one of these documents: a U.S. passport, a certificate of U.S. citizenship or naturalization, or an unexpired foreign passport carrying an appropriate work permit from the immigration service.

As an alternative, the applicant would be able to submit one document showing identity and another showing work authorization. The identification document could be a driver's license, a state-issued ID card or a notice of discharge from the armed forces of the United States. The work authorization document could be a Social Security card or a birth certificate from any state.

CCR

Committee on Chicano Rights, Inc.

PARA INMEDIATE PUBLICACION

ENERO 22,1987 NATIONAL CITY,CA

EL ANTEPROYECTO SOBRE REGLAMENTOS PARA LA VERIFICACIÓN DE CIUDADANIA O AUTORIZACION PARA EMPLEO EXPEDIDO POR EL SERVICIO DE INMIGRACIÓN Y NATURALIZACIÓN (INS), FUE DENUNCIADO POR HERMAN BACA, PRESIDENTE DEL COMITE PRO DERECHOS CHICANOS (CCR) DE NATIONAL CITY CALIFORNIA.

"REQUERIR QUE LAS CORPORACIONES, EMPRESAS PEQUENAS Y HASTA LOS QUE EMPLEAN TRABAJADORES DOMÉSTICOS EXHIBAN LA O LAS FORMAS I-9 (ATESTACIÓN, EMPLEADO/EMPLEADOR) PARA REVISIÓN INMEDIATA SIN COMPARENDO, AUTO DETENCIÓN, O AVISO PREVIO, LA(INS) ESTÁ PROPONIENDO SUSPENDER LOS DERECHOS CONSTITUCIONALES Y DE IMPULSAR LAS CONDICIONES NECESARIAS PARA UN ESTADO POLICÍACO EN ESTE PAIS", DIJO BACA.

LA (INS)/PATRULLA FRONTERIZA, BAJO LOS REGLAMENTOS PROPUESTOS PODRÁ IGNORAR LOS DERECHOS CONSTITUCIONALES CON TAN SOLO PERMITIR A SUS AGENTES DE ENTRAR A CUALQUIER HOGAR, OFICINA O EMPRESA Y HASTA LA CASA BLANCA Y DEMANDAR LA REVISIÓN DE LA PROPUESTA FORMA I-9", RECALCO BACA.

"NO ~~CREEMOS~~ CREEMOS QUE LA SUSPENSIÓN DE LOS DERECHOS CONSTITUCIONALES HAYA SIDO EL INTENTO DE EL CONGRESO ESTADUNIDENCE, AL APROBAR LA LEGISLACIÓN DE INMIGRACIÓN SIMPSON/RODINO, O SI MERAMENTE EL CONGRESO NO ESTÁ CONSCIENTE DE LO QUE LA (INS) ESTA PROPONIENDO PARA EL REGISTRO FEDERAL". PONIENDO ENFASIS AL ASUNTO DEL CONGRESO, BACA AÑADIO-"SI NO HUBIERA REQUISITO PARA COMPARENDO, AUTO DETENCIÓN O AVISO PREVIO EN LOS PROPUESTOS REGLAMENTOS DE LA (INS)...QUE MEDIDAS TOMARA EL CONGRESO PARA EVITAR LA VIOLACIÓN DE LAS SIGUIENTES ENMIENDAS CONSTITUCIONALES?:

A.) QUARTA ENMIENDA- NO SE VIOLARÁ EL DERECHO DEL PUEBLO QUE PONE A CUBIERTA SUS PERSONAS,HABITACIONES, PAPELES Y EFECTOS, CONTRA TODO REGISTRO Y APREHENSIÓN QUE CAREZCAN DE FUNDAMENTO, Y NO SE EXPEDIRÁ NINGUNA ORDEN SOBRE ESTO SIN CAUSA CAPAZ DE PROBARSE, APOYADA EN UN JURAMENTO O AFIRMACIÓN, QUE DESIGNE CLARAMENTE EL LUGAR QUE HA DE REGISTRARSE, Y LAS PERSONAS O COSAS QUE HAYAN DE SER APREHENDIDAS.

1837 Highland Avenue, National City, CA 92050 (619) 474-8195

B.) QUINTA ENMIENDA- NO PODRA OBLIGÁRSELE A NINGUNA PERSONA A DECLARAR CONTRA SÍ MISMO EN UNA CAUSA CRIMINAL.

C.) DECIMA CUARTA ENMIENDA- NO SE PODRÁ PRIVAR A NINGUNA PERSONA DE VIDA, LA LIBERTAD O LOS BIENES DE FORTUNA, SIN EL DEBIDO PROCEDIMIENTO LEGAL, NI NEGAR A NADIE EN SU JURISDICCIÓN LA IGUAL PROTECCIÓN DE LAS LEYES.

PARA CONCLUIR, BACA DECLARÓ QUE LA(CCR) LE HA ESCRITO AL CONGRESISTA DON EDWARDS DEL SUB-COMITE EN LOS DERECHOS CONSTITUCIONALES, URGIÉNDOLE QUE HAGA TODO EN SU PODER PARA VEDAR LAS PROPUESTAS REGLAS EN EL REGISTRO FEDERAL, Y QUE LES ESTÁ URGIENDO A OTRAS ORGANIZACIONES E INDIVIDUOS PREOCUPADOS CON LOS DERECHOS CONSTITUCIONALES, QUE SE COMUNIQUEN CON SUS REPRESENTANTES EN WASHINGTON PARA QUE TOMEN LA ACCION DEBIDA PARA PONER FIN A LOS REGLAMENTOS PROPUESTOS POR LA (INS).

REGLAS ~~LAS~~

PARA MAS INFORMES, LLAME AL (619) 474-8195, HERMAN BACA
COMITÉ PRO DERECHOS CHICANOS

Committee on Chicano Rights, Inc.

JANUARY 23, 1987

CONGRESSMAN DON EDWARDS
SUB-COMMITTEE ON CONSTITUTIONAL RIGHTS
38750 PASEO PADRE PARKWAY
SUITE B-4
FREEMONT, CA 94536

CONGRESSMAN EDWARDS:

OUR ORGANIZATION IS URGING IMMEDIATE ACTION ON THE PROPOSED IMMIGRATION AND NATURALIZATION RULES AND REGULATIONS, NOW BEING CONSIDERED. IT IS OUR ORGANIZATIONS FIRM BELIEF THAT THE PROPOSED RULES & REGULATIONS ARE UNCONSTITUTIONAL AND DANGEROUS. THE PROPOSED RULES STATE THAT THE I-9 NEW HIRE FORMS WOULD HAVE TO BE PRODUCED IMMEDIATELY FOR INSPECTION IF REQUESTED BY AN OFFICER OF THE IMMIGRATION OR THE LABOR DEPARTMENT. "NO SUBPONEA, WARRANT OR ADVANCE NOTICE WILL BE REQUIRED". WE VIEW THIS ACTION BY THE INS AS POSING A GRAVE THREAT TO THE 4TH AMENDMENT, 5TH AMENDMENT, & THE 14TH AMENDMENT OF THE U.S. CONSTITUTION. WE URGE IMMEDIATE ACTION BY YOUR COMMITTEE TO STOP SAID RULES & REGULATIONS WHICH ARE PRESENTLY IN THE FEDERAL REGISTER. TIME IS OF THE ESSENCE DUE TO THE FEBUARY 5 & 25TH TIME LIMIT SET IN THE FEDERAL REGISTER PROCESS. IF YOU ARE IN NEED OF ANY FURTHER INFORMATION, FEEL FREE TO CONTACT ME AT 619-474-8195.

THANK YOU IN ADVANCE;

HERMAN BACA, PRESIDENT

PACKET ENCLOSED.

1837 Highland Avenue, National City, CA 92050 (619) 474-8195

CCR

Committee on Chicano Rights, Inc

FOR IMMEDIATE PRESS RELEASE

March 17,1987 National City,CA

THE COMMITTEE ON CHICANO RIGHTS TODAY DENOUNCED THE IMMIGRATION AND NATURALIZATION SERVICE'S $185.00 FEE FOR EACH AMNESTY APPLICATION AS A MASSIVE "RIPOFF".

HAVING THE UNDOCUMENTED PAY FOR THE SIMPSON/RODINO AMNESTY PROGRAM STATED, HERMAN BACA, CHAIRMAN OF THE COMMITTEE ON CHICANO RIGHTS (CCR) "IS LIKE HAVING THE BLACK SLAVES IN 1865 PAY FOR THE CIVIL WAR THAT SUPPOSEDLY SET THEM FREE". THE $185.00 PROPOSED FEE ACCORDING TO BACA,"MAKES A MOCKERY OUT OF THE PROPOSED AMNESTY PROGRAM AND THE FEE IS SOMETHING WHICH WAS NEVER APPLIED TO THE HUNGARIAN REFUGEES OF 1956, THE CUBANS OF THE 1960's OR THE VIETNAMESE IN THE 1970's.

BACA IN HIS PREPARED STATEMENT ACCUSED THE INS OF PERPETRATING A MASSIVE RIPOFF NOT ONLY OF THE UNDOCUMENTED BUT ALSO THE U.S. TAXPAYER. "WHEN ONE CONSIDERS THAT THE U.S. CONGRESS HAS PROVIDED SUPPLEMENTAL APPROPRIATIONS TO THE INS OF MORE THAN $400 MILLION DOLLARS TO PAY FOR THE SO CALLED AMNESTY PROGRAM," STATED BACA, "AND ONE THEN MULTIPLY'S THE PROPOSED $185.00 FEE WITH THE FOUR MILLION AMNESTY APPLICATIONS, WHICH COULD RAISE THE STAGGERING SUM OF AN ADDITIONAL $740,000,000 (MILLION) DOLLARS, ONE CAN ONLY CONCLUDE THAT THE LEADING RIPOFF COYOTE IN IMMIGRATION WILL BE THE IMMIGRATION AND NATURALIZATION SERVICE(INS).

BACA IN CONCLUDING ONCE AGAIN RAISED THE FOLLOWING ISSUES:

1. THAT THE U.S. CONGRESS REMOVE THE INS AS THE ADMINISTERING AGENCY AND CREATE A NEW AGENCY TO ADMINISTER THE AMNESTY PROGRAM.

710 East 3rd Street • National City, CA 92050 • 619-474-8195

2. THAT CONGRESS ADDRESS AND INVESTIGATE THE INS PROPOSED RULES AND REGULATIONS THAT WOULD GRANT THE INS THE POWER TO ENTER ANY HOME, SMALL BUSINESS OR CORPORATION WITHOUT REQUIRING " NO SUBPENA,WARRANT OR ADVANCE NOTICE" UNDER THE EMPLOYER SANCTION PROVISIONS OF THE SIMPSON/RODINO BILL.

3. THAT THE CONGRESS FORM A COMMITTEE TO DRAFT THE RULES AND REGULATIONS WHICH THE INS HAS BEEN UNABLE TO DO IN ORDER THAT THE PUBLIC WILL UNDERSTAND WHAT WILL GOVERN THE IMPLEMENTATION OF THE SIMPSON/RODINO LEGISLATION.

FOR FURTHER INFORMATION, CONTACT HERMAN BACA, CHAIRMAN OF THE CCR
474-9875

April 15,1987

Rosy Lopez,31 years old,wa- walking home from her waitress job at about the time of 12:30 or 1 oclock in the morning on Thursday April 9th 1987.While she was walking home,unknown to her, she was being followed by one black man and three Samoan men.These four men caught up to her right outside the door of her home where one of the men pulled a knife on her and forced her inside the door of her home.

Once the four men were inside the home,they awakened Rosie's four daughter's ages 15years old,11 years old and her six year old twins.Rosie was then raped by the four men who also beat her so badly that she required emmergency medical attention at the hospital where she was later taken by police.Rosie's 15 year old daughter was also molested and beaten by the attackers.

The three younger daughters were pushed by the men into another room and ordered to be quiet. Finally the four men tore apart the family's possesions while the were robbing the family of any valuable items.

Rosie Lopez and her four daughters left Mazatlan Mexico to move to the United States only one and one half years ago.Since Rosie and her daughters are not yet legal residents they cannot receive any assistance from the county.Any donations that can be made to assist Rosie and her four daughters will be greatly appreciated.

Any checks written to provide assistance to Rosie Lopez and her daughters can be written to Rosie Lopez or COmmunity Monitors.

Jesse Dominquez

Jesse Dominguez

[redacted]

LEGAL AID SOC
210 S. 1TH ST
SAN JOSE, CA 95113
IN CARE OF
IRAM MORENO

Los Angeles Times JAN 11, 1987

ALIENS: Tax Clause Could Impede Immigration Effort

Continued from Page 1

been trying to avoid a "paper trail," including tax payments.

Joseph M. Trevino, executive director of the League of United Latin American Citizens, said that the immigrants are a "unique population." Applying the tax requirement to them, he said, "would serve to undermine congressional intent" on the immigration law.

The immigration law prohibits the INS from sharing with the IRS any information gathered from people who apply for legal status. In the case of the tax provision, the immigrants must supply directly to the IRS information relating to their liability.

First Step to Citizenship

Under the immigration law, illegal immigrants who have lived in this country continuously starting before 1982 may seek temporary resident status, the first step toward citizenship; the INS will begin accepting applications in May.

Those granted temporary status then must wait 18 months before applying for permanent resident status. It is during this second step that the tax liability information would have to be provided.

Thus, Kamasaki and other advocates reason, many immigrants—not realizing that it is the second stage that is covered by the tax law—will not even seek temporary resident status.

Moreover, they say, if the tax provision is enforced, immigrants who have not paid taxes would face serious penalties and might be rendered ineligible for legal status.

To get legal status, immigrants must show documents—driver's licenses, bills and employment records, for example—that prove they have been here since 1982. Virginia Lamp, labor relations attorney for the U.S. Chamber of Commerce, said that some employers among the chamber's 180,000 members nationwide are "concerned that exposing records provides a paper trail that may expose them" to IRS scrutiny.

The tax law contains a loophole, of sorts, for the immigration law. It says that the Treasury secretary can create regulations to "exempt any class of individuals from the requirements" of the tax law if he determines that the requirement "is not necessary to carry out the purposes" of the provision.

At the INS and the IRS, officials said that they are aware of the conflict between the two laws and that they are working to resolve it, though both agencies have said that the immigration law offering amnesty does not mean that there will be tax amnesty as well.

Richard E. Norton, INS associate commissioner for examinations, noted that the Treasury secretary can grant an exemption to the tax reporting requirement and said that INS officials "would have to discuss this" with the Treasury Department.

Waiting for INS Action

At the IRS, spokesman Wilson Fadely said his agency is waiting for the INS to create its regulations before taking any action.

Both men predicted that the situation would be resolved satisfactorily.

"We feel confident that the needs of both laws can be addressed without jeopardizing any applicants for legalization," Norton said.

Docked Rig Tilts, Flooding Living Quarters; 2 Killed

CAMERON, La. (UPI)—A huge oil rig docked at a port in the Calcasieu Shipping Channel tilted Friday, flooding the lower compartments and killing two workers, authorities said. Divers found the bodies in different rooms of the submerged living quarters.

L.A. Times 1-11-89

Tax Provision May Impede Aliens Seeking Legal Status

By LEE MAY, *Times Staff Writer*

OD

WASHINGTON—A little-noticed provision in the new tax law could hamper efforts to grant legal resident status to large numbers of illegal immigrants under the landmark immigration law passed last fall, advocates for the immigrants said Friday.

The tax law, also passed last year, requires anyone seeking permanent residence to certify that he has paid income taxes if any were due in the previous three years.

Advocates for the immigrants assert that this requirement will have a "chilling effect" on the immigration law because many illegal immigrants will refuse to come forward if they are liable for taxes.

Immigration experts estimate that as many as 30% of illegal immigrants have not paid federal taxes. "This portion of the undocumented [illegal] population is placed in serious jeopardy with respect to the legalization program," said Charles Kamasaki, Washington-based director of policy analysis for the National Council of La Raza, a Latino rights organization.

The situation comprises competing interests. The Immigration and Naturalizaton Service wants to portray its legalization program as open and to show immigrants that it can be trusted. At the same time, the Internal Revenue Service wants to collect any taxes it is owed.

For their part, advocates for illegal immigrants acknowledged that the immigrants should not avoid paying taxes. However, they expressed skepticism about compliance with the tax provision, noting that the very status of illegal immigrants means that they have

Please see ALIENS, Page 19

L.A. Times 2-27-87

INS Seeks $175 Fee for Alien's Legal Status

By LEE MAY,
Times Staff Writer

WASHINGTON—The Immigration and Naturalization Service has decided to charge each adult illegal alien seeking legal status in the United States $175 and to charge $400 for an entire family, Justice Department sources said Thursday.

The application fees, which the INS will propose in regulations expected to be made public next week, are less than the maximum that immigration officials had been considering. But immigrant rights activists, when told of the plan, complained that the fees are still too high. INS officials argue, however, that the advantages of legal status should offset any financial sacrifice.

The debate over the cost of legalization epitomizes the clash of values between those who say they

Please see ALIENS, Page 15

Los Angeles Times

2-27-87

ALIENS: INS Proposing $175 Fee for Adults to Seek Legal Status

Continued from Page 1

do not want to "cheapen" U.S. citizenship and those who believe it should be affordable to the people who are being offered it under the landmark immigration law passed last year.

Beginning May 5, the INS will start accepting applications for legal status from illegal immigrants who have lived in the United States continuously, except for brief absences, since before Jan. 1, 1982. In addition, agricultural employees who worked at least 90 days in the year that ended last May can apply.

The INS estimates that about 4 million illegal immigrants will apply for legal status.

It is impossible to determine how many of those prospective applicants will be unable to afford the fees. However, Joseph M. Trevino, executive director of the League of United Latin American Citizens, said a majority of illegal immigrants apprehended last year had family incomes below the poverty line.

Under the proposed regulations, a family of two parents and three children younger than 21 would pay $400 to apply for temporary residency, the first step in a two-step process that could lead to citizenship. Each parent would pay $175, while the first child would be assessed $50. The other two children would be charged nothing.

However, if any children in a family were older than 21, they would have to pay $175 like other adults.

"The assumption is that they would be earning an income," one Justice Department official said.

In addition, officials said, the INS has not decided whether to charge a second fee when immigrants apply for permanent residency, the second step toward citizenship under the legislation.

Additional Fees

But officials of several immigrant interest groups said that the application fees, when combined with a number of other costs that immigrants face under the program, will put legal status out of reach for many.

According to several organizations monitoring the new program, additional fees that applicants must pay include at least $50 for a required medical examination, about $25 to copy identification documents and an undetermined fee of up to $75 to a private church group or other agency authorized by the INS to assist in the program. Moreover, the fee likely would be much higher if an applicant sought advice from a private attorney, representatives of the groups said.

"That's a lot of money for people who are not affluent," said Gilbert Paul Carrasco, associate director of immigration affairs for the U.S. Catholic Conference. "You're talking about a population that often works for minimum wage or less, and the agricultural workers are seasonally employed."

Currently, legal immigrants seeking permanent residency pay fees to the INS starting at $35, immigration experts said. INS critics, citing the lower figures, have urged that the fees for illegals be comparable.

At a breakfast meeting with reporters Thursday, INS Commissioner Alan C. Nelson refused to confirm the application figures of $175 and $400, but he said that the INS is considering a range of $150 to $250 per person and added that a family rate is likely.

Nelson repeated his assertion that the program should pay for itself, thus necessitating the proposed application fees, which he likened to "user fees" for national park visits.

The issue has incensed many members of Congress, however. California Rep. Esteban E. Torres (D-La Puente), chairman of the Congressional Hispanic Caucus, in a recent letter to Nelson called the range "unreasonably high and completely contrary to the spirit and intent of Congress."

There is "no basis in the legislative history of the bill" to support a plan to have application fees cover the government's cost during the process, Torres said.

But Nelson called the program a "fantastic benefit" for which illegal immigrants should be willing to pay. "The American taxpayer should not bear that cost," he declared.

Trevino acknowledged that citizenship should be valued, but he argued that it can be made affordable without being cheapened.

If the INS charges its proposed fees, Trevino said, it will be "setting the system up to fail."

INS: Plans for Regulating Immigration Law Blasted

ontinued from Page 3

ave lived in the United States, cept for "brief" absences, since n. 1, 1982, and to those who did gricultural work in this country r at least 90 days during the year ding last May 1. Los Angeles unty officials have estimated at as many as 800,000 people in e county might qualify.

The proposed INS regulations y that the absences allowed by e law must not exceed 30 days at time or a total of 150 days since e beginning of 1982.

The Coalition for Humane Immiation Rights called for these riods to be revised to 90 days in a gle instance and a total of 365 days. The Los Angeles Labor-Community Immigration Network suggested the elimination of any specific time limits, urging instead that "the test for continuous residency should be whether the alien intends continuously to reside in the United States."

Confidential Information

The law bars the use of material in applications for any purposes other than to make a determination on the application itself or to enforce a ban on fraudulent applications. It provides for imprisonment of up to five years for violation of this confidentiality.

Arguing that these guarantees are not strong enough, the labor-community group urged that applications be sealed after a decision on legalization has been made in order to prevent their misuse to deport those who fail to qualify.

Nutter, western regional director for the International Ladies' Garment Workers Union, said that under the proposed regulations there will be cases in which some family members win amnesty while others do not. "We need to have methods in the regulations so that those who are legalized can keep their family together," he said.

Bruce Iwasaki, a spokesman for the labor-community group, cited restrictions on public housing benefits as another provision in the regulations that "will break up families."

Nutter's group called for filing fees of $50 per individual or $100 per family, while Iwasaki's group suggested no specific figure but urged that there be a set fee per family, payable in installments. The fee should be waived completely in hardship cases, Iwasaki said.

Nutter also charged that the INS is "attempting to turn unions, hiring halls, into an arm of the INS" by requiring them to verify employment eligibility for workers referred under union contracts. "We're very much against that. We don't think verification should fall on the shoulders of unions, who are there to defend workers."

INS officials have stressed their intent to apply the law fairly. Ernest Gustafson, INS district director in Los Angeles, said his goal "is that 100% of those who are qualified" will apply for legalization.

INS Western Regional Commissioner Harold Ezell announced Wednesday that he intends to form an advisory group, made up of critics as well as supporters of INS policies and practices, to oversee steps taken by the agency's regional officials to carry out the law. Ezell, who spoke at an Anaheim conference on the new law, also pledged that the amnesty process "will not be a sting operation."

L.A. Times 2-6-87

Rights Workers Blast INS Over Amnesty Plans

By DAVID HOLLEY, *Times Staff Writer*

Representatives of immigrants' rights, labor and church organizations Thursday criticized proposed regulations for implementing the new immigration law as too restrictive and likely to deny amnesty to many people who should receive it.

Tentative regulations released by the U.S. Immigration and Naturalization Service "indicate that the INS is seeing its role as a barrier and not as a bridge," said Steve Nutter, one of several speakers at a downtown Los Angeles press conference called by the Coalition for Humane Immigration Rights Los Angeles and the Los Angeles Labor-Community Immigration Network. The two groups include most of the major Los Angeles organizations involved in immigrants' rights issues.

Representatives called for less restrictive rules on absences from this country, a lower application fee than the $150-$250 range being discussed by the INS and revisions to ensure that families are not divided. They also argued for more relaxed rules on documentation of amnesty applications and stricter controls to ensure that material in applications cannot be used to deport people who fail to qualify for legal residence.

Recommendations are being sent to the INS in Washington in keeping with a request from the agency for public comment, speakers said. Final regulations are to be published several weeks before the agency begins accepting amnesty applications on May 5.

The law offers legal residence to illegal aliens who

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Outfall of Amnesty Legislation

INS Enlisting Doctors for Alien Exams

By DAVID HOLLEY, *Times Staff Writer*

LOS ANGELES—As the U.S. Immigration and Naturalization Service gears up to implement the complex new immigration law, one of many tasks facing the agency's Los Angeles district office is signing up scores of additional doctors to perform INS physicals.

For most of last year, just nine doctors handled about 2,000 physicals per month for aliens applying for permanent U.S. residence, according to district officials.

Applicants are checked for conditions such as tuberculosis, venereal disease, mental illness and alcoholism, which either must be treated or else may be grounds for exclusion from this country. Testing for acquired immune deficiency syndrome (AIDS) is not currently part of the physical, but a proposal to add it is under consideration in Washington.

A medical examination by an INS-approved physician will be required of amnesty applicants under the new law, which offers legal residence to illegal aliens who have lived in the United States since before Jan. 1, 1982, or who spent at least 90 days doing agricultural

Please see AMNESTY, Page 8

AMNESTY: Doctors Recruited to Check Aliens

Continued from Page 5

work in this country in the year that ended May 1, 1986.

When the INS starts accepting amnesty applications on May 5, it must be ready with a greatly expanded list of doctors to perform the physicals for a set $50 fee, according to Los Angeles District Director Ernest Gustafson.

"I don't want this to be a bottleneck," Gustafson said. "I'd like to have 100 doctors."

The need to sign up more doctors is just one of many things "that need to be tuned very well before May 5," Gustafson said. He estimated that 750,000 to 1 million illegal aliens will apply for amnesty in the seven-county Los Angeles district. (San Diego and Imperial counties are administered under a separate district.)

The INS plans to require amnesty applicants to undergo the same medical testing now performed on routine applicants for permanent residence, Gustafson said. When illegal aliens apply for amnesty, they will receive the list of approved doctors and be scheduled for an interview to which they must bring the results of their physical, he said.

The medical includes a blood test for syphilis, a chest X-ray and a physical examination.

If testing for AIDS is added to the immigration medical examination, then it may also be required of amnesty applicants, according to federal officials in Washington.

The U.S. Public Health Service announced last year that it was considering the addition of AIDS to the list of dangerous contagious diseases for which applicants for permanent residence must be tested.

James Brown, a Public Health Service spokesman, said this week that the question is still under study at the federal Centers for Disease Control in Atlanta. If a decision is made to require AIDS testing for immigration applicants, it would then be up to the INS to decide whether to include it as a requirement for amnesty applicants, he said.

Duke Austin, an INS spokesman in Washington, said it is not yet clear whether a decision by the Public Health Service to require AIDS testing for permanent residence applications would mean that the same test would be required of amnesty applicants. "If they find that as one of the excludable contagious diseases, then that's an issue that would have to be addressed," he said.

For many years, U.S. [illegible] tion law has included gories of health conditions that may lead to exclusion of prospective immigrants unless they receive treatment or waivers.

These include mental retardation; insanity; previous attacks of insanity; "psychopathic personality, sexual deviation or a mental defect;" drug addiction or chronic alcoholism; affliction with "any dangerous contagious disease," and any physical problem that "may affect the ability of the alien to earn a living, unless the alien . . . establishes that he will not have to earn a living."

The precise meanings of some of these categories have changed over the years along with developments in the medical field.

For example, homosexuality for many years was considered an excludable condition under the law's "sexual deviation" category, but this is no longer the case, according to Michael S. Burton, a Los Angeles doctor who has handled INS physicals for the past 15 years. Public Health Service guidelines say that this is in accordance with American Psychiatric Assn. policy.

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INS plans to stand by higher fees

Charge to be $185 for an alien who seeks legal status

From News Service

WASHINGTON — The Reagan administration — ignoring protests from Hispanic rights groups and others — has decided to press ahead with plans to impose higher fees on undocumented aliens seeking legal status under the new immigration law.

Under rules to be issued this week, a basic application fee of $185 will be charged most undocumented aliens seeking to become U.S. citizens.

The rules do contain some apparent concessions to administration critics, but it seems unlikely that they will satisfy those who have said fees should range from $35 to $50.

In one such concession, the government will offer legal status to families of any size in a package deal for $420, according to a confidential draft of proposed regulations signed by Alan C. Nelson, the commissioner of the Immigration and Naturalization Service. In addition, the application fee would be limited in any case to $50 for children under 18.

However, for a family of four undocumented aliens, it might cost $700 to obtain legal status when the cost of medical examinations and other charges are included.

The fees would be part of a program under which undocumented aliens can apply for legal status, or amnesty, that is to start in seven weeks. Aliens may file applications from May 5, 1987, through May 4, 1988, at any of 100 special offices to be established around the country.

To qualify, undocumented aliens must show that they entered the United States before Jan. 1, 1982, and have resided here continuously since then, with no single absence of more than 45 days. The cumulative total of all absences in that period must not exceed 180 days.

Under the proposed rules, there would be a $50 fee for any alien who appeals a decision denying legal status. Aliens would have to obtain medical examinations, which could cost $60 to $75. In addition, many aliens might have to pay lawyers' fees, although church groups and community organizations will offer assistance at little or no charge.

The $420 "package deal" would cover application fees for all members of a family, defined as husband, wife and children under 18. That is slightly less than the earlier administration proposal, which had put the fee for a package deal at $500.

The rules also list documents that may be submitted in support of an application, such as pay stubs, income tax withholding forms, utility bills or bank statements showing residence in the United States.

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Aliens: INS plans to stand by higher fees

Continued from A-1

The new rules — a copy of which as obtained by *The New York imes* — retain many of the provi- ons that were criticized as unduly gid and restrictive by key members Congress, including Reps. Peter . Rodino Jr., D-N.J.; Romano L. azzoli, D-Ky.; and Jim Wright, D- exas, the speaker of the House.

For example, Rodino has said that 5 per alien would be a fair legaliza- on fee. And earlier this year, when was first reported that the admin- tration was considering imposing es between $150 and $200, Linda ong of the Mexican American egal Defense and Educational Fund Los Angeles declared, "Congress ever intended to place the burden of he legalization program on the houlders of the undocumented liens."

The new law authorized the gov- rnment to charge fees but did not ecify the amount, although many embers of Congress indicated that ey expected the Immigration and aturalization Service to take a rea- onable attitude in charging fees.

However, the INS has taken the osition that the agency can charge es sufficient to cover the costs of he program — even if, as lawmak- rs and Hispanic lobbyists maintain, he resulting charges are so high as discourage some aliens from ap- lying.

The Congressional Hispanic aucus, headed by Rep. Esteban E. orres, D-Norwalk, proposed that he basic application fee be $35 to 50.

The amnesty program was estab- shed by the Immigration Reform nd Control Act of 1986, which Presi- ent Reagan signed Nov. 6. The stat- te, described by the government as the most comprehensive revision of the immigration law in 35 years, also prohibits employers from hiring undocumented migrants.

Starting in June, employers will have to ask all job applicants for documents to verify that they are either U.S. citizens or aliens authorized to work in this country.

Under the rules for the amnesty program, undocumented aliens may be given a six-month work permit while the government reviews their applications for legal status. If an application is approved, the alien will receive a "temporary resident card" authorizing employment in this country, as well as foreign travel.

Undocumented aliens who do not apply or do not qualify for legal status could be deported.

The rules also include these provisions:

- Undocumented aliens applying for legal status must show that they have maintained "continuous physical presence" in the United States since Nov. 6, 1986. An absence of 30 days or less is allowed if it was authorized by the Immigration and Naturalization Service for "legitimate emergency or humanitarian purposes."
- An alien who submits false documents or makes false statements in support of an application for legal status may be deported or prosecuted.
- If an alien entered the United States legally before Jan. 1, 1982, but violated the terms of his visa, he might qualify for the amnesty program if his undocumented status was known to the immigration service as of that date. The violation would be "known" only if it was recorded in the alien's official file.
- Undocumented aliens will be ineligible for legal status if they have been convicted of a felony committed in any country, or three or more misdemeanors committed in the United States.
- An undocumented alien may not receive legal status if he appears likely to become a "public charge." Aliens may be asked for evidence to show whether they are "self-supporting," whether they have a "history of employment" or whether they have been on welfare.
- Male aliens 18 to 26 must register with the Selective Service System.

INS pulls back proposed rules

Budget office wants to study plan to implement alien law

Associated Press

WASHINGTON — The Immigration and Naturalization Service yesterday canceled a news conference and pulled back from public view proposed rules designed to implement the nation's new immigration law.

The steps were taken after the Office of Management and Budget said it needed more time to review the proposals, said INS spokesman Duke Austin.

OMB spokesman Ed Dale said his agency did not receive the proposed regulations until Thursday.

Austin said, however, that the budget office had received drafts of the regulations earlier and that it had had sufficient time to work on the drafts, which Austin said closely parallel the proposals sent to the office Thursday.

The INS had planned to unveil them yesterday at a morning news conference, but "they're not supposed to have a news conference about rules that have not been cleared," Dale said. Plans to publish the rules in the *Federal Register* have now been put off indefinitely.

The OMB spokesman declined to say whether the agency had pressured the INS into calling off the public release of the proposals. Austin said simply that the immigration service had "relented" and decided not to publicly issue the rules when it became clear that the budget office was not going to clear them immediately.

Under the new law, the INS will begin accepting applications May 5 for legalization from illegal immigrants who arrived in the United States before Jan. 1, 1982, and have lived in this country since then. The regulations are designed, among other things, to carry out the legalization program.

The delay in issuing the proposed regulations probably will result in the immigration service putting in place interim rules to implement the measure signed into law by President Reagan last November. The new immigration law contains a provision authorizing the issuance of interim regulations in the event permanent rules are not in effect.

Using interim rules could cause problems. For example, once permanent rules are in place, the INS might have to reprocess applications from those who were turned down for legalization under the interim regulations. The likelihood of such a review taking place would increase if the permanent rules differed substantially from the interim regulations.

The INS is proposing in the regulations that the Reagan administration approve a plan to establish a $175 fee for each undocumented alien seeking legal immigrant status in the United States and $400 for each family's application.

Freedom Without Borders

Virginia I. Postrel

"We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented. Sometimes we must interfere. When human lives are endangered, national borders and sensitivities become irrelevant. Wherever men or women are persecuted because of their race, religion, or political views, that place must—at that moment—become the center of the universe."

Tough talk in a world in which "interfering in the internal affairs of another nation" is a cardinal sin. But for those of us who care about human liberty, who believe individuals are more important than states, author Elie Wiesel's words on receipt of the 1986 Nobel Peace Prize constitute an important reminder. National borders are artificial constructs, products of politics and wars. We can't ignore them—but neither should we let them hide those they hold captive.

None of this is to suggest that the U.S. government should invade the Soviet Union or send in the Marines to liberate Nelson Mandela. But it does mean that human rights do not begin and end at home. If we as individuals are concerned about liberty in our own country, it follows naturally that we will care about the freedom of those who don't inhabit the same corner of the globe. And we will not only care, we will act.

For starters, we will complain—loud and long—about attacks on individual liberty. This outcry may focus on specific people; given short attention spans, especially in the media, this is often an effective tactic. When the Soviet Union released its most famous dissidents last year—Natan (Anatoly) Shcharansky to Israel, and Andrei Sakharov and Yelena Bonner to Moscow from internal exile in Gorky—it did so because international opprobrium had made the cost of holding them prisoner greater than the benefit of letting them go.

Focusing on individuals personalizes oppression, makes for good symbolism, and may lead to freedom for those individuals. But emphasizing celebrities presents dangers of its own.

First of all, it may delude us into thinking that the release of a few visible individuals signifies great changes. As Shcharansky noted in a *Wall Street Journal* article, "If an observer in New York or Washington may be deceived by the modern sophistication of the current dictator, those of us who suffered or continue to suffer in the Soviet Union cannot be misled....At the very time I was being released, such a [Hebrew] teacher, Alexey Magarik, was arrested on trumped-up charges of drug possession. Another Hebrew teacher, Yuli Edelstein, became an invalid in the camp and is doomed to remain so for the rest of his life." The celebrities may be released, but the conditions that made them prisoners persist.

(This is why famous prisoners of conscience tend to annoint their successors. Sakharov, for example, has emphasized the plight of Serafim Yevsyukov and his son Serafim, Jr. The father was first sent to a Moscow mental institution for requesting an exit visa; he is now imprisoned in a clinic where doctors try to change his views by injecting him with drugs. The son has been sent to a labor camp north of the Arctic Circle for refusing to serve in the army.)

By focusing on celebrities, we also run the risk of ignoring oppression that takes no prisoners. The more general state terror found in Ethiopia or Guatemala doesn't fit neatly into a schema of police versus prisoners. Nor does outright genocide of the Nazi or Khmer Rouge variety. Whose release do you ask for when everyone is dead? Yet state terror hurts individuals, anonymous though they may be.

All of this brings us to perhaps the most fundamental freedom, and one of the most often denied—the right to vote with your feet, to pick up and get the hell out. The passport and visa, rare until a century ago, have become terrible instruments of state power. The best known example is, of course, the Soviet Union's refusal to grant exit visas to people like Serafim Yevsyukov who have become disenchanted with the socialist paradise.

The right to emigrate is, however, the flip side of the right to immigrate—and that one the U.S. government is only too eager to deny. Even as we cheered the Statue of Liberty last year, Congress slapped more locks on the golden door.

Contrary to fashionable opinion, the government doesn't simply discriminate against people fleeing right-wing regimes. It takes a more general closed-door stance. The freedom-loving folks at the Immigration and Naturalization Service granted asylum to only seven of the 216 Guatemalans who asked for it last year. But they also denied almost *3,000* Nicaraguans the same status, accepting fewer than 1,300 as refugees. Even people from Afghanistan find themselves behind bars in America. Our borders, too, have become prison walls for the oppressed.

If he were making a movie about the Jewish immigrant experience in the United States, cartoonist Art Spiegelman says he'd show the mice drowning off the coast of Cuba while U.S. officials refuse to let them in—not cheerfully singing à la Steven Spielberg's *An American Tail*. Our immigration policy has changed little since the government turned away thousands of Jews in the '30s and '40s, sending them to their deaths in Europe. The names have been changed, but mice are still drowning. The struggle for human rights does begin at home, after all.

Outfall of Amnesty Legislation

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For many years, U.S. immigration law has included seven categories of health conditions that may lead to exclusion of prospective immigrants unless they receive treatment or waivers.

These include mental retardation; insanity; previous attacks of insanity; "psychopathic personality, sexual deviation or a mental defect;" drug addiction or chronic alcoholism; affliction with "any dangerous contagious disease," and any physical problem that "may affect the ability of the alien to earn a living, unless the alien . . . establishes that he will not have to earn a living."

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La nueva ley de inmigración: ¿"Gesto humano" o ataque brutal?

Folleto de información sobre la ley de inmigración

La nueva ley de inmigración: el presidente Reagan, los miembros del Congreso, funcionarios de inmigración, los principales medios de comunicación — todos la han llamado "generosa" y "humana". Han elogiado sus promesas de "oportunidad" para millones de inmigrantes desconocidos y sin contar — los que no tienen documentos que pongan el sello oficial en su estancia aquí. Un folleto publicado por el comité de la Cámara de Representantes que patrocinó la ley afirma que el llamado a que esos inmigrantes "salgan de las sombras y reciban la luz del sol" (como lo han expresado varios congresistas) es una prueba de la "preocupación humanitaria que tiene la Nación" por los inmigrantes.

¿Generosa? ¿Humana? ¿Preocupación? Como han aprendido millones *de personas por todo el mundo y en este país* a raíz de su propia amarga experiencia, cuando las autoridades estadounidenses empiezan a hablar así — ¡es hora de esconder a los niños!

Escuchemos unos cuantos comentarios de inmigrantes recopilados por el *Obrero Revolucionario*:

La ley de inmigración es una amenaza — una amenaza para el pueblo. ¿Cómo explicar que es una amenaza? Muchos están asustados.

Dicen, para cuando llegue mayo yo ya no estoy. Allá en mi tierra, me quemaron la casa. Tuve que vender las vacas para venirme, no tengo nada. Dicen ya no podemos vivir aquí, ya no podemos vivir allá.

Si yo vuelvo, me persiguen. Si me quedo, lo mismo. Para mí, yo no tengo país.

Se dice que el gobierno quiere controlar a todos los inmigrantes. Esta ley. . . es pura mierda.

En los meses que han transcurrido desde la aprobación de la ley, incluso antes de que entren en vigor muchas de sus disposiciones, ha habido una oleada de ataques oficiales y extraoficiales contra los inmigrantes, so pretexto de hacer cumplir la ley de inmigración:

• Con mucha publicidad la Migra (Servicio de Inmigración y Naturalización — INS) ha hecho redadas al estilo de la Gestapo en los puntos donde se juntan los inmigrantes jornaleros para esperar que los contraten; los agentes de la Migra han barrido las calles, han parado y abordado los buses, han perseguido a los inmigrantes a callejones y tiendas, etc.;

• Agentes del INS se metieron a una escuela primaria para secuestrar a un joven y deportarlo a El Salvador junto con su abuela;

• Los patronos rebajan drásticamente los salarios y empeoran las condiciones de trabajo en varias ocupaciones donde el pago ya es bajo, con la amenaza de que cualquier protesta terminará en despidos y en desempleo *permanente*, porque muchos trabajadores no podrán conseguir otro empleo sin la apropiada prueba de "legalidad";

• Los patronos reparten formularios y mandan a los trabajadores firmarlos si es que quieren seguir en su trabajo, cuando los formularios declaran — en inglés y *bajo pena de perjurio* — que el trabajador tiene el derecho legal de trabajar en Estados Unidos;

• Aumentan los ataques paramilitares contra los inmigrantes; entre ellos se destaca la aparición de un volante en San Antonio, Texas, firmado por los "Luchadores de la libertad del nuevo sur", que anunciaba que el grupo había matado a dos ilegales en Ozona, Texas, y que mataría a dos por mes hasta que se cierre la frontera.

Frente a tales realidades en medio de las promesas de las autoridades y de algunos grupos de voluntarios que las ayudan, existe mucha confusión y mucho cuestionamiento acerca de la nueva ley de inmigración y de qué es lo que se puede — y se debe — hacer al respecto. Este folleto tiene el propósito de responder los interrogantes y desenmascarar la naturaleza de esta nueva ley: que es un importante paso represivo en el camino hacia una racha de represión cien-por-ciento amerikkkana contra los inmigrantes. . . uno de los sectores potencialmente "peligrosos" de la población estadounidense.

P: ¿Qué dispone la nueva ley?

R: La ley tiene tres elementos principales:

1) La "amnistía" o la "legalización":

A partir del Cinco de Mayo, los inmigrantes que hayan vivido "ilegalmente" en Estados Unidos en forma continua desde el 1° de enero de 1982, o que hayan trabajado en la agricultura durante por lo menos 90 días del año que terminó el 1° de mayo de 1986, y que puedan mostrar suficientes pruebas para convencer al INS de la veracidad de esto, podrán solicitar el estado de residente temporal legal. Todos los demás seguirán fuera de la ley, y podrán ser deportados en cualquier momento.

2) Un aumento grande para la Migra:

La ley establece que se dupliquen los fondos presupuestarios para el INS de conjunto, un incremento de 841 millones de dólares; dicta un aumento de 50% para incrementar la tropa de la Patrulla Fronteriza. Y esto se suma a los 266 millones de dólares y 500 agentes ya anunciados para la "Operación Alianza", un destacamento estilo militar en la frontera que se lleva a cabo bajo el pretexto de una dizque "guerra contra las drogas". En general, están militarizando la región fronteriza en una escala sin precedentes.

3) Autorización para trabajar, conocido también por "sanciones a los patronos":

Según las reglas propuestas por el INS, cada trabajador — sea ciudadano o inmigrante — empleado después del 6 de noviembre de 1986, debe llenar un formulario y presentar documentos en que conste su identidad y su autorización para trabajar legalmente en el país. Los patronos deben guardar dichos formularios durante por lo menos tres años a partir de la fecha de empleo o un año a partir de la fecha de retiro del trabajador, la que sea más reciente. Según las reglas propuestas, los patronos deben entregar los formularios a las autoridades del INS si se los piden; no se requiere ninguna orden judicial para su entrega. Los trabajadores que hagan declaraciones falsas o usen documentos falsos pueden ser encarcelados; los patronos que a sabiendas empleen a quienes no tengan autorización oficial para trabajar, pueden ser multados y después de repetidas ofensas, también pueden ser encarcelados.

Otros elementos de la ley son: una dizque disposición "antidiscriminatoria" que en realidad le da a los patronos el derecho de discriminar contra los inmigrantes cuando sea posible emplear en vez a un ciudadano que ellos digan que es igualmente capaz de cumplir con el trabajo; una nueva versión del Programa Bracero, donde otra vez traerán a algunos trabajadores agrícolas para trabajar en condiciones de servidumbre contratada si los cultivadores los necesitan; se realizarán varios estudios que busquen métodos infalibles para que el gobierno haga listas de *toda persona* que esté en el país, no solamente los inmigrantes, y para verificar su identidad; el ministro de Defensa debe hacer una lista de las instalaciones que puedan servir como centros de detención (también conocidos por *campos de concentración*) para inmigrantes, y debe entregar dicha lista al procurador general.

P: ¿Cuál es el propósito de la Ley de Reforma y Control de Inmigración?

R: Según un resumen que sacó el Comité Judicial de la Cámara, el "propósito principal" de la ley es "el control de la inmigración ilegal". En la realidad, lo que el gobierno quiere es controlar a *la gente*.

Las autoridades estadounidenses ni siquiera saben cuántos inmigrantes hay en este país, y mucho menos quiénes son o dónde están. Ante tiempos extremos, y es-

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pecialmente ante su necesidad de librar una guerra mundial con el afán de proteger y extender su imperio, los gobernantes de Estados Unidos requieren un dominio y control absolutos de todos los sectores de su población — especialmente de los que jalan a ser más explosivos, desleales y potencialmente revolucionarios; sin lugar a dudas, la vasta mayoría de los inmigrantes cae en esos sectores. La urgencia del asunto no les pasó desapercibida a los congresistas que votaron por la ley. Como dijo un congresista conservador para explicar por qué votó a favor de una ley que "premia a los que violan la ley" al "legalizarlos": "Está creciendo la necesidad de controlar a los ilegales...el Congreso no puede esperar más".

La Ley Simpson-Rodino busca facilitar la represión de los inmigrantes aumentando el terror dirigido contra los millones que seguirán siendo "ilegales" y tratando de aislarlos; a la vez, permitirá a las autoridades compilar y poner al día listas de computadoras de todos los inmigrantes que están en el país, con su ubicación precisa. Tanto para los millones que seguirán siendo "ilegales" como para la cantidad menor a quienes les darán temporalmente un estado "legal", esta ley fascista es más que un ataque frontal hoy: prepara el terreno y es un paso grande para afrentas mayores y más canallas en el futuro próximo.

P: ¿Qué efecto tendrá esta ley en la posición de los que (no son trabajadores del campo) llegaron a Estados Unidos después del 1° de enero de 1982 y los otros que no llenan los requisitos para solicitar el estado "legal"?

R: Hará su posición mucho más tenue y peligrosa que en la actualidad. La ley se propone directamente aislar a estos inmigrantes — y no solo de los otros inmigrantes que cumplan los requisitos para la "amnistía", sino de otros sectores de la población estadounidense, y esto incluye a los que sienten simpatía hacia los inmigrantes (en mayor o menor medida) pero que están concentrando sus esfuerzos en hacer que la ley "funcione mejor". El efecto de la ley será dejar a estos "extranjeros (*aliens*) ilegales" todavía más vulnerables a una opresión y explotación más intensa de parte de los patronos, caseros y otros, y al terror redoblado de la Migra.

P: ¿Qué intención tiene el gobierno al ofrecer "amnistía" a los inmigrantes que están en el país desde el 1° de enero de 1982?

R: Su intención es alentar a los inmigrantes a, en palabras textuales de varios congresistas, "salir de las sombras" — y darle su nombre, dirección, historia laboral, datos de su familia, etc.; al INS. Están dejando deliberadamente vago qué considerarán prueba absoluta para poder solicitar el estado "legal", para darle a las autoridades la máxima flexibilidad. Sin embargo, las reglas propuestas por el INS demandan que los inmigrantes prueben a satisfacción de esa dependencia su identidad, su residencia continua por el tiempo fijado y su "responsabilidad financiera". El INS no considera que las declaraciones de conocidos del solicitante sean muy buena prueba y muy probablemente dirá que no son suficientes; las reglas demandan entregarle a las autoridades los documentos en que consta que el inmigrante cumple los requisitos. Las reglas propuestas también dicen que si el INS no puede "verificar" los documentos, puede rechazar la solicitud de estado "legal".

También hay otros motivos para negar estado "legal". Por ejemplo, el gobierno está muy interesado en que el inmigrante pruebe a satisfacción del INS que no se volverá una "carga pública", o sea que se podrá mantener por su propia cuenta. Los inmigrantes "legalizados" no podrán solicitar la mayoría de las formas de asistencia gubernamental, como asistencia social (*welfare*), durante cinco años. Las reglas propuestas del INS declaran que entre los factores que tomarán en consideración para una decisión figura si el solicitante ha recibido asistencia pública alguna vez, su historia laboral, su actual empleo, y cosas por el estilo. Es concebible que a los que no pueden demostrar que nunca han recibido asistencia del gobierno, los que han recibido pagos del seguro de desempleo (*unemployment*), los que no tienen una cuenta de ahorros crecida, y los que no tienen trabajo al momento de presentar su solicitud les nieguen el estado "legal" por no cumplir este requisito.

También hay motivos "criminales" para negar el estado "legal". Cualquiera que haya sido condenando tres veces de un delito menor o condenado una vez de un delito relacionado con drogas (fuera de la posesión de treinta gramos o menos de marihuana) quedará excluido. Y, según las nuevas reglas propuestas, una sola condena por un delito mayor — en *cualquier parte del mundo* — descalificará inmediatamente al solicitante. **Esto se puede aplicar a los militantes políticos que pueden haber sido condenados de "crímenes" — abiertamente políticos o camuflados — debido a su oposición al statu quo.**

Fuera de eso, la mera participación en una amplia gama de actividades políticas prohibidas da pie para quedar descalificado. Está prohibida toda actividad pasada o presente que el gobierno considere "subversiva", como la distribución de literatura considerada peligrosa por las autoridades o toda actividad que a juicio del procurador general pueda ser "perjudicial para el interés público o poner en peligro el bienestar, la protección y la seguridad de Estados Unidos". En Los Angeles hace poco secuestraron oficialmente a un grupo de palestinos que tenían estado "legal", los metieron a la cárcel y amenazaron deportarlos; los acusaban de ser miembros de una organización que distribuye literatura que "aboga...por el comunismo mundial" — una frase de cajón que se le puede aplicar a una gran variedad de tendencias de oposición al gobierno estadounidense. La ley que usan en ese caso dicta que hasta una crítica suave de la conducta del gobierno es motivo suficiente para prohibir la entrada al país, y se le ha aplicado a artistas, escritores y otros. La Ley Simpson-Rodino dicta echar del país, por esas mismas razones, a los que ya estén aquí.

Entre los escollos de las pruebas aceptables y los varios motivos de rechazo, existe un obvio peligro de que muchos que "salgan de las sombras" encuentren que el gobierno rechace su solicitud. Efectivamente, varios grupos de derechos de inmigrantes estiman que del 70 al 80% de los que han vivido en Estados Unidos el tiempo requerido y en apariencia cumplen los requisitos para obtener el estado "legal", no podrán satisfacer las demandas de las autoridades. Sin embargo, todos los que soliciten la "amnistía", le habrán dado a esas mismas autoridades una gran cantidad de información sobre sí mismos y su familia, incluida su dirección.

Una pregunta: ¿por qué es que los únicos candidatos para esta dizque amnistía son los que han vivido "en la sombra" (o sea, los que han sido ilegales en los últimos cinco años y lo son ahora)? ¿Por qué la ley no acoge a los que han tenido un estado legal esos años? De hecho, a algunas gentes con visa de estudiante y otras visas, que han tenido cuidado de mantener su visa en orden, les han notificado que su situación ha cambiado y que deben irse. La respuesta parece ser que las autoridades ya saben quiénes son esos individuos y, en la mayoría de los casos, dónde están; por lo tanto no hay necesidad de inducirlos a dar esa información bajo el disfraz de la trampa de la "amnistía".

El INS afirma que no usará la información de las solicitudes de "legalización" para deportar a nadie y Harold Ezell, el comisionado de la región occidental del INS, ha salido en anuncios de radio y TV a decir que pedir la "amnistía" no ofrece riesgos. Ezell ha sido una punta de lanza de los ataques del gobierno contra los inmigrantes; personalmente ha comandado varias redadas de la Migra que han recibido mucha publicidad, pidió que se formara y endosó la formación de un grupo antiinmigrante derechista llamado "Americanos en pro del Control de la Frontera", y ha lanzado horrendas amenazas de que "los que están invadiendo nuestro país a pie...van a acabar con la cultura que conocemos y de que disfrutamos". En reuniones de la comunidad, algunos representantes del INS han garantizado que las solicitudes rechazadas serán "selladas"; otros han dicho que serán "destruidas". De todos modos, toda la información habrá entrado a las computadoras del INS. ¿De qué valen las garantías de funcionarios del gobierno como esos?

P: ¿Tiene otros riesgos hacer la solicitud?

R: Los inmigrantes interesados deben saber que los (de las categorías apropiadas) que pidan residencia temporal (el primer paso para el estado "legal") deben inscribirse al mismo tiempo con el Servicio Selectivo, si no lo han hecho. Eso hace que puedan ser llamados a prestar servicio militar, si el gobierno instituye un servicio militar obligatorio. La inscripción debe hacerse antes de saber si aprobaron la solicitud de residencia. Aunque en la actualidad no hay servicio militar obligatorio, en los círculos gubernamentales se discute continuamente la posibilidad y la necesidad potencial de volverlo a instituir. Además, la situación global es tal que en cualquier momento el gobierno podría declarar necesaria una movilización militar.

Además, es claro que las normas de la "amnistía" harán separar familias, ya que solo los *individuos* que cumplan los requisitos — y puedan probarlo a satisfacción del INS — recibirán el estado "legal". El INS también recibirá información de los familiares de un solicitante; dar el nombre y dirección de ellos es parte del proceso de presentar la solicitud.

Los inmigrantes que el gobierno declare que han usado pruebas fraudulentas o que han dado declaraciones falsas pueden recibir multas y sentencias de cárcel por cinco años y/o ser deportados.

P: Las reglas son diferentes para los trabajadores agrícolas. ¿Por qué?

R: De esos trabajadores, 350.000 que trabajaron en campos de frutas, verduras y otras mercancías perecederas (que determinará el Ministerio de Agricultura), que trabajaron por lo menos 90 "días-hombre" en una finca en Estados Unidos y vivieron en el país seis meses en cada uno de los años que acabaron el 1° de mayo de 1984, 1985 y 1986 — o todos los que trabajaron por lo menos 90 "días-hombre" y vivieron en el país tres meses en el año que acabó el 1° de mayo de 1986 — son candidatos para "legalización". (Los del primer grupo pueden ser residentes permanentes después de un año de residencia temporal; el segundo grupo debe esperar dos años.)

Las reglas propuestas también declaran que el INS puede obtener listas de trabajadores agrícolas de los cultivadores, los contratistas de jornaleros, los sindicatos y otros grupos que tengan archivos de empleo de los trabajadores del campo. Las reglas propuestas dicen que usarán esas listas para corroborar las solicitudes de los que pidan el estado "legal". También las pueden usar para descubrir a todos los demás. Para presionar a los que tienen esas listas a que se las entreguen al INS, las reglas propuestas amenazan rechazar las solicitudes que no vayan acompañadas de listas y "declarar insuficiente" toda la otra documentación presentada.

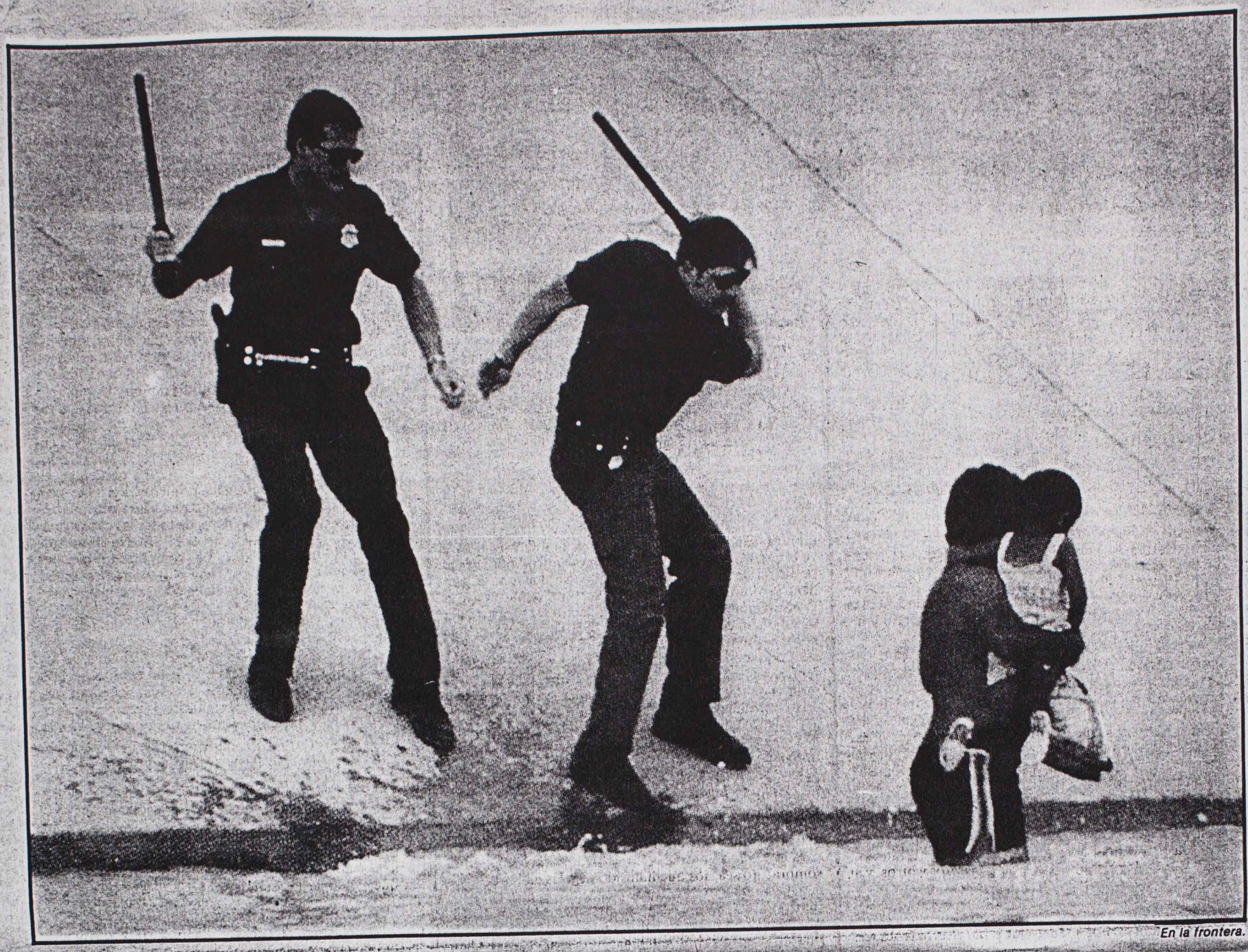
La Ley Simpson-Rodino también tiene una estipulación de que los cultivadores le pueden pedir permiso al ministro del Trabajo para emplear trabajadores agrícolas temporales de otros países y para darles vivienda que "cumpla los stándards de la localidad". En el pasado eso ha llevado a hacerlos vivir en las más pésimas condiciones. La ley también estipula que en 1990 se podrán traer trabajadores invitados si el Ministerio del Trabajo y el de Agricultura se ponen de acuerdo en que existe una necesidad. Estas estipulaciones se parecen a las del infame Programa Bracero (1942-1964) que hizo trabajar en condiciones casi de esclavos a los trabajadores agrícolas, tanto "legales" como "ilegales", importados de México.

Según el INS las reglas para los trabajadores agrícolas tienen el propósito, en parte, de "garantizar que se satisfagan las necesidades de trabajadores eventuales de los cultivadores americanos". Este es un asunto de mucha importancia, no solo para los cultivadores sino para toda la clase dominante estadounidense, debido al papel especialmente vital de la agricultura en la economía.

P: La sección de "sanciones a los patronos" de la ley, ¿quiere decir que las autoridades también van a atacar a los que explotan a los trabajadores inmigrantes?

R: No, por seguro no a la mayoría. En primer lugar, el principal aspecto de las dizque "sanciones a los patronos" es que para poder ser empleado *todo mundo* tendrá que presentar documentos que comprueben su identidad y su autorización para trabajar en este país. Las reglas que ha propuesto el INS también quieren que todos los que soliciten un empleo llenen un formulario; los inmigrantes deberán escribir la fecha y punto de entrada al país. Es verdad que los patronos deberán revisar los documentos, llenar una parte del formulario, conservarlos por lo menos tres años y entregárselos a los agentes del INS cuando los pidan, so pena de recibir una multa y, en última instancia, de ir a dar a la cárcel. Pero la mayor carga será para el que pide empleo. Los patronos indudablemente pedirán documentos de identificación, y el castigo por dar información falsa en un formulario de autorización de trabajo o por presentar documentos falsos puede ser de hasta dos años de cárcel. Algunos patronos les han pasado formularios en inglés a sus empleados y les han dicho que no pregunten nada y firmen; resulta que los formularios eran declaraciones, bajo pena de perjurio, de que el signatario era elegible para el estado "legal" e iba a solicitarlo a la mayor brevedad posible.

A otro nivel, las estipulaciones de "sanciones a los patronos" le dan al gobierno gran flexibilidad para atacar a *ciertos* patronos — o incluso ciertas industrias



En la frontera.

— si eso favorece los intereses de la clase dominante en general. Es un instrumento más para la represión del Estado.

P: Si las autoridades aprueban la solicitud de estado "legal", ¿está uno seguro y salvo?

R: En una palabra: ¡no! Los inmigrantes "legalizados" deben seguir cumpliendo los requisitos todo el tiempo de su residencia temporal y permanente — por lo menos siete años — ya que los mismos motivos que llevan a rechazar una solicitud de estado "legal" llevan a suspenderla después de concederla. Por ejemplo, a los que pierdan el trabajo y no puedan conseguir otro de inmediato, podrían considerarlos en violación de la restricción de no ser una "carga pública". A los que realicen cualquier actividad política que desapruebe el Estado también podrían suspenderles su estado "legal". Y, para obtener la residencia permanente después de 18 meses de residencia temporal, el solicitante debe demostrar que sabe inglés y que tiene un conocimiento aceptable para las autoridades de la historia y el gobierno de Estados Unidos, o que está matriculado en un curso aprobado de estudios para aprender eso; a los que no puedan obtener la residencia permanente dentro del lapso señalado por el gobierno, les cancelerán la residencia temporal y podrán deportarlos.

¿Y qué va a impedir que las autoridades cambien las reglas una vez que hayan obtenido la información necesaria sobre todos los que pueden hacer la solicitud de estado "legal"? Ya lo han hecho. Por ejemplo, 100.000 mexicanos recibieron "cartas de Silva" — el equivalente de una visa temporal — debido a una demanda de 1977. Pero antes de transcurrir cinco años el INS mandó a todos los que tenían "cartas de Silva" a presentarse para deportarlos.

P: ¿Por qué están participando en este programa organizaciones y agencias voluntarias, como la Iglesia Católica?

R: Una buena pregunta — que todas ellas deberían contestar. Por su parte, las autoridades querían que tales grupos participaran por una sencilla razón: muy pocos inmigrantes entrarían de buena gana a una oficina del INS a llenar una solicitud. El gobierno sabe que las víctimas de la Migra ni la estiman ni le tienen confianza, y estima que los inmigrantes estarán mucho más dispuestos a entregarse y darle su información a la Iglesia Católica y organizaciones por el estilo. Esos grupos recibirán fondos del INS por aceptar las solicitudes en su nombre y dárselas.

P: Fuera de deportaciones, ¿puede el gobierno usar de otra manera esos bancos de datos y listas llenas de "extranjeros" inscritos?

R: Como ya mencionamos, la ley misma dicta que se estudie la posibilidad de encerrar inmigrantes en instalaciones usadas en la actualidad por los militares. Ya han corrido rumores en la prensa de Ciudad Juárez de que el fuerte Bliss de El Paso — el cuartel general de la Operación Alianza, el programa de militarización de la frontera disfrazado como parte de la "guerra contra las drogas" — se usará este verano para encarcelar inmigrantes. El INS alega que eso no es verdad y se porta como si esas ideas fueran el fruto de delirios paranoides y nada más. Como si Estados Unidos no hubiera deportado mexicanos en los años 30 y 50. Y como si no hubiera encerrado a los japoneses-americanos en campos de concentración durante la II Guerra Mundial. Y como si no hubiera realizado redadas de inmigrantes "subversivos" después de la I Guerra Mundial. Y como si no tuviera nada que ver con esas detenciones en masa. ¡Pero el concepto mismo de los campos de concentración fue inventado en Estados Unidos! En 1868 a los indios navajos los arrearon a un campo de concentración en Bosque Redondo, Nuevo México, y con razón Adolfo Hitler le agradeció a Estados Unidos darle la idea de los campos de concentración para judíos y otros "indeseables".

La opresión de nacionalidades enteras, incluidos los nacidos en el extranjero, siempre ha sido un pilar del sistema estadounidense, desde los días del capitalismo competidor, a su transformación en imperialismo, al día de hoy. El *Nuevo programa y nueva constitución del Partido Comunista Revolucionario, EU,* señala que "la historia del desarrollo del capitalismo en EU ha sido una historia de la represión más salvaje contra el negro, el indígena, el mexico-americano, el puertorriqueño, el asiático y otros pueblos oprimidos", y luego añade: "La discriminación, la negación de los derechos democráticos, la violenta represión policíaca, la supresión y mutilación de sus culturas e idiomas, explotación y opresión como miembros de la clase obrera, con la posición más baja, el desempleo constantemente alto y los trabajos peor pagados, las peores viviendas, el peor de los servicios médicos y otros servicios sociales ya malos — todo esto y más es la realidad cotidiana para las masas de estas nacionalidades en EU actualmente". (p. 74)

En la América de los años 80, cuando todas las contradicciones de este sistema se acercan a un desenlace y el gobierno necesita una "unidad nacional" absoluta para vérselas cara a cara con los soviéticos, esa opresión nacional se está intensificando a niveles nunca vistos. Los inmigrantes, especialmente los inmigrantes latinos, se destacan de modo especial entre los que hoy son los "judíos" y blancos de ataque. El Instituto Christic ha publicado la existencia de un plan secreto del gobierno para arrestar a 400.000 inmigrantes ilegales y otros "indeseables" y meterlos en campos de detención en bases militares. Dicho instituto afirma que ya se han realizado ejercicios de práctica para esa situación. Hace poco trascendieron a la prensa documentos secretos del gobierno, aparentemente del INS, que demostraron de modo concluyente que el gobierno está estudiando "opciones" y "planes de contingencia" para — en caso de una "emergencia nacional" declarada — volver a inscribir, acorralar y meter en campos de concentración y/o deportar grupos de nacidos en el extranjero que considere una "amenaza". Un documento titulado "plan de contingencia" — descrito como un "estudio de opciones" por el INS cuando se divulgó su existencia — discute los pasos para un "proyecto especial" del INS, según el cual cazarían a nacionalidades de "extranjeros" que en la actualidad tienen visas "legales", los mandarían a prisiones y/o a otros tipos de campos y/o los deportarían. El plan requiere la cooperación del INS y otras dependencias represivas, como el FBI y la CIA. Los que tengan probabilidades de oponerse políticamente al gobierno o sus medidas serían blancos especiales. En el

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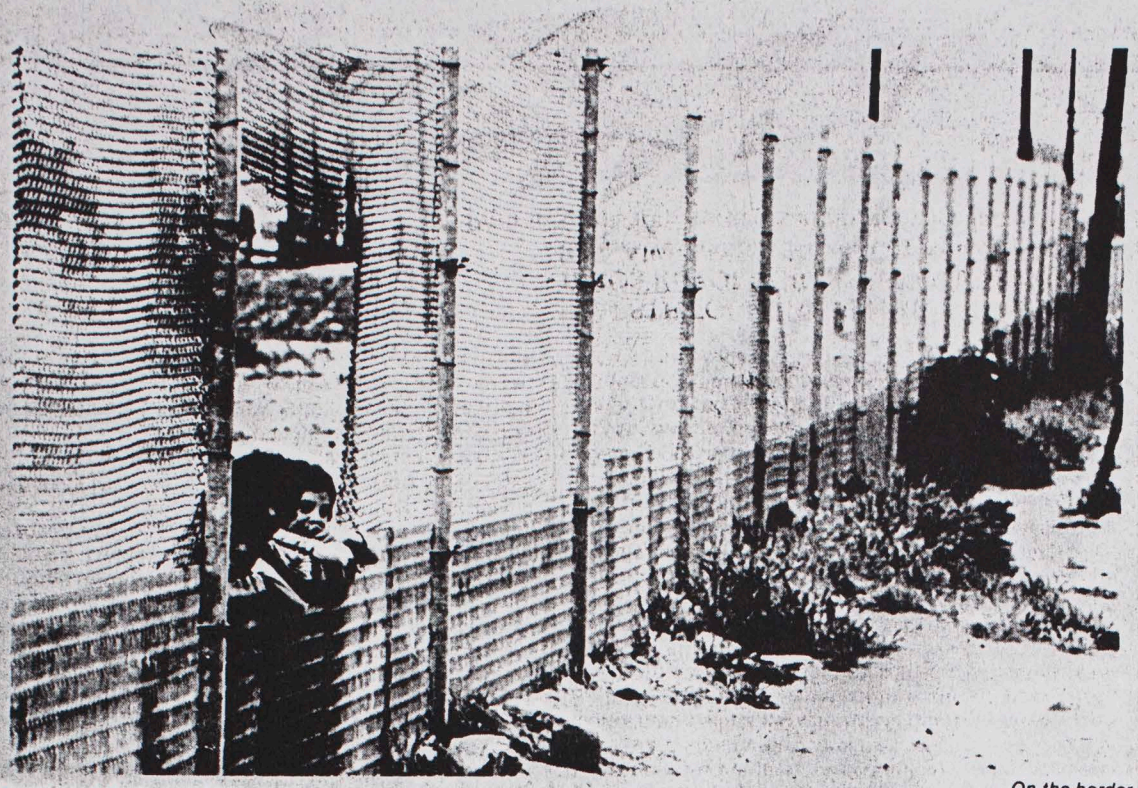

On the border.

Continued from previous page

are to be specifically targeted. In the plan, INS officials boast that they have already computerized their lists of those holding visas so as to be able to find and round up the foreign-born if officials deem this necessary. Computerized lists of those who have "come out of the shadows" would add considerably to those repressive capabilities.

In the extreme times ahead, the U.S. authorities may well decide to lock up whole sections of immigrants or use them as slave labor for production considered vital to U.S. national security or use them as cannonfodder on the frontlines of imperialist war. Or all of the above. But to facilitate the carrying out of such "contingency plans," the authorities need to have the target population registered and at their disposal.

Q: Will there be massive deportations now of all those who don't apply or qualify for "legalization"?

A: Not necessarily, because the U.S. faces a number of very sharp contradictions in regard to immigrants, especially immigrant proletarians from Mexico and Central America. For one thing, the very structure of the overall economy, as well as its short-term profitability and relative stability (such as it is), is dependent for the time being on a large supply of immigrant labor. Studies conducted by U.S. policy research institutes and academicians have demonstrated that immigrants, from Mexico especially, constitute significant portions of the labor force of key industries in the Southwest and California — garment, agriculture, semiconductor and others — and are increasingly coming to play important roles in industries in other parts of the country as well. Economically speaking, massive deportations of immigrant proletarians would be likely to result in major shock waves reverberating across the entire global economic system.

Even more important are the *political* repercussions. U.S. officials and their dependent underlings in Mexico and Central America (particularly El Salvador) are gravely worried about the potential effect of sending millions of people back to those crisis-racked countries, or even any lessening of the amount of money — so vital to the economies of those countries — that immigrants in the U.S. send back. With severe crisis already at hand in Mexico (which, not incidentally, shares a nearly 2,000-mile-long border with the U.S.) and civil war in El Salvador (and the rest of Central America), the consequences of mass deportations on the countries to which the immigrants would be sent — or even a serious blockage of the "safety valve" that immigration to the U.S. provides — could very well include tremendous upheaval, including the possibility of revolutionary struggle. The reverberations from such activity would be felt in a big way, beyond Mexico's borders and up into the U.S. At the same time, U.S. authorities are very worried that the very act of attempted mass deportations might touch off mass resistance and upheavals — in those countries and in the U.S. — that could quickly get beyond their control.

However, driven by their global necessities, U.S. officials are determined to severely repress all volatile sections of their subject population — and immigrants are one grouping particularly high up on their hit list. Put Simpson-Rodino together with the spreading of Speak English laws nationwide (including pointing toward a Constitutional amendment), the so-called "war on drugs," with its border militarization, their various "contingency plans," the public promotion of anti-immigrant vigilantes and a host of other repressive measures, and the picture becomes clear — the initial steps toward a violent quashing of immigrants are being taken right now!

Q: Is this a sign of overwhelming U.S. strength?

A: It is important to recognize the fear and desperation fueling this repressive engine — the fear of what the immigrants bring to this country besides their labor. After all, the vast majority of them are from countries where long-time U.S. domination has produced miserable conditions and outright murder, and their experiences on the bottom within this country have only tended to further confirm previous sentiments toward Yanqui imperialism. There is also the matter of previous experience in revolutionary struggle and the possibility of new waves of such struggle sparking off new outbreaks within the U.S. itself, including in relationship and response to U.S. actions in Central America and elsewhere. Immigrants, proletarians especially, are not only among those sections of the population that are least likely to exhibit the sheep-like acquiescence Resurgent America so requires; they could quite conceivably play a crucial role, in relation to and in conjunction with broader elements in the coming period, in making revolution. . . including within the U.S.

For this to happen — for the kind of movement to be built that can rise to such a challenge — it is crucial that every vicious attack on immigrants be met with the fiercest resistance from all those who hate oppression.

Q: What can be done about Simpson-Rodino and other attacks on immigrants?

A: The broadest and most determined struggle possible is required from proletarians, students, professionals and all sections of the people.

An atmosphere that such attacks will not be tolerated needs to be created in barrios, ghettos and neighborhoods everywhere. Leaflets, stickers, posters and other forms of highly visible, anti-oppression/pro-immigrant sentiment must appear in prominent locations. Neighborhood get-togethers, discussions, film showings and so forth are also important in this regard.

Organized mass actions — such as demonstrations and forums — are definitely called for. And what about strikes? In one factory that we know of, when the boss announced that he was going to cut pay in half in conjunction with the new law, the workers threatened to walk out on the spot; the boss changed his mind. Important protest actions have also taken place in housing projects in opposition to attempts by the Housing Authority to require papers from all residents. Such ringing manifestos of mass public opposition to the government's assaults on immigrants need to be seen and heard everywhere.

There are other forms of resistance apparently being adopted as well. For example, various mass methods for sounding the alarm have been developed. It has been reported that in one city, an affinity group of students has been formed for the purpose of protecting immigrants from the Migra; when they find out about a Migra sweep of the streets, bus stops, busses, etc., the students quickly move to bus stops and locations just ahead to warn the immigrants. There may very well be other creative means of resisting Migra and vigilante attacks being developed in various locales.

And finding the ways to create this outpouring of resistance and struggle *everywhere* to America's anti-immigrant assaults, without letting the authorities know precisely who is doing it — this is vitally important in seriously preparing to wage and lead a revolution in the not-too-distant future.

The government seeks to isolate, surround and intimidate "illegals" as it takes its major steps toward "getting control." It seeks to draw a sharp dividing line between "aliens" and Americans, and rally the latter to at least accept, if not join in, heinous assaults on the former. But there is another dividing line — between the authorities and reactionaries on one side, and the masses of people of all strata and nationalities on the other — and it needs to be drawn to a razor's edge. Complicity with reactionary crimes against immigrants is intolerable; the fiercest refusal and resistance is demanded.

The rulers of America need good Germans willing to go along with its program of horror. If you were a non-Jew in Germany in the 1930s, and they came for the Jews, what would you have done? The rulers of America need immigrants resignedly going along with the repression, hoping maybe things will get better. If you were a Jew in Germany in the 1930s, what would you have done? What will you do now?

Q: What is the stand of the revolutionary proletariat towards xenophobic attacks on immigrants?

A: "The U.S. imperialists like to pride themselves on how they have used and absorbed millions and millions of immigrants — we have all been told about the 'great melting pot.' But in the U.S. today there are millions of immigrants whom the imperialist rulers regard as troublesome and dangerous. These are immigrants from the Third World, particularly those from nations oppressed by U.S. imperialism. They have a lifetime of experience with the raw, brutal reality of Yankee rule, among them is a deep hatred for it and no small amount of experience in fighting against it. Further, there are many things in common between these immigrants and the Black, Mexican-American, Native American, and other oppressed peoples within the borders of what is now the USA. The imperialists see in such immigrants a source of instability and upheaval, a force weakening the internal cohesion of the home base and potentially undermining the power of the U.S. as an international overlord at the very time it is facing a challenge without precedent to that power. The imperialists react by asserting more aggressively the white, European, English-speaking identity of the American Nation.

"For the revolutionary proletariat it is just the opposite. We renounce that nation, we denounce any such identity — we are proletarians, not Americans, and our identity is that of the international proletariat. We insist on the equality of nations, including equality in culture and language. And more, we recognize in such immigrants a source of great strength — a vitally important force for the revolutionary struggle to overthrow U.S. imperialism and to create over its grave a powerful, living expression of proletarian internationalism and a powerful base area for the world proletarian revolution."

— Bob Avakian, Chairman of the
Central Committee of the
Revolutionary Communist Party, USA,
Bullets, pp. 164-5

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plan, el INS se jacta de que ya ha puesto en computadoras las listas de los que tienen visa, de manera que está en condiciones de encontrar y arrear a los extranjeros si lo considera necesario. Las listas computarizadas de los que "salgan de las sombras" aumentarían considerablemente esas capacidades represivas.

En los tiempos extremos que se avecinan, las autoridades podrían decidir encarcelar a sectores enteros de inmigrantes o ponerlos a trabajar como esclavos en la producción de artículos vitales para la seguridad nacional o usarlos como carne de cañón en las líneas del frente de la guerra imperialista. O todo lo anterior. Pero para facilitar la aplicación de esos "planes de contingencia", las autoridades necesitan que esa población esté inscrita en sus listas y a su disposición.

P: ¿Habrá deportaciones en masa ahora de todos los que no pidan la "legalización" o los que no cumplan los requisitos para pedirla?

R: No necesariamente, porque al gobierno se le plantean varias contradicciones muy agudas con respecto a los inmigrantes, especialmente los proletarios inmigrantes de México y Centroamérica. Para comenzar, la mismísima estructura de la economía general, así como su rentabilidad a corto plazo y su relativa estabilidad (con todo lo relativa que es), depende por ahora de una gran fuente de mano de obra inmigrante. Varios institutos de investigación política y académica han demostrado que los inmigrantes, de México especialmente, constituyen una porción significativa de la fuerza de trabajo de industrias claves del Suroeste y California — la costura, la agricultura, los semiconductores y otras — y que están desempeñando un papel cada vez más importante en industrias de otras partes del país. Desde un punto de vista económico, las deportaciones en masa de inmigrantes proletarios probablemente tendrían serias repercusiones que afectarían todo el sistema económico global.

Las repercusiones *políticas* son todavía más importantes. Los funcionarios del gobierno estadounidense y sus secuaces subordinados de México y Centroamérica (especialmente El Salvador) están seriamente preocupados del efecto potencial de mandar millones de gentes de vuelta a esos países atormentados por la crisis e incluso del efecto de disminuir la cantidad de dinero — tan vital para las economías de esos países — que mandan los inmigrantes desde Estados Unidos. Con una grave crisis ya sobre México (que, nadie olvida, tiene una frontera de más de 3.200 km. con Estados Unidos) y una guerra civil en El Salvador (y el resto de Centroamérica), las consecuencias de hacer deportaciones en masa a esos países — o incluso cualquier bloqueo serio de la "válvula de seguridad" que ofrece la inmigración a Estados Unidos — bien podrían entrañar tremendos trastornos e incluso la posibilidad de luchas revolucionarias. Las reverberaciones de tales trastornos se sentirían muy profundamente más allá de las fronteras de México, en Estados Unidos. Asimismo, a las autoridades les preocupa mucho que el hecho mismo de tratar de realizar deportaciones en masa pueda prender resistencia popular y levantamientos — en esos países y aquí — que se les podrían salir de las manos muy rápidamente.

Sin embargo, espoleado por sus necesidades globales, el gobierno estadounidense está resuelto a reprimir severamente a todos los sectores explosivos de su población — y los inmigrantes son un grupo que ocupa un lugar especialmente destacado en su lista negra. Si se ve el cuadro completo: la Ley Simpson-Rodino, la propagación de las leyes de Speak English por todo el país (con la posibilidad de llegar a ser una enmienda a la Constitución), la dizque "guerra contra las drogas" con su militarización de la frontera, sus varios "planes de contingencia", el estímulo público a grupos paramilitares antiinmigrantes y toda la bola de medidas represivas más — ¡se verá claramente que en estos mismos momentos están dando los pasos iniciales para una violenta represión de los inmigrantes!

P: ¿Es esto un signo de fuerza imponente de Estados Unidos?

R: Es importante reconocer que el combustible de esta máquina de represión es el temor y la desesperación — el temor de lo que los inmigrantes traen consigo, fuera de su fuerza de trabajo. Al fin y al cabo, la vasta mayoría ha llegado de países donde la larga dominación de Estados Unidos ha creado miseria y mata sin piedad, y sus experiencias en el fondo de este país lo que suelen hacer es confirmar sus sentimientos previos hacia el imperialismo yanqui. Otro motivo de temor para el gobierno es la experiencia de algunos en luchas revolucionarias y la posibilidad de que nuevas olas de lucha allá prendan nuevos estallidos aquí, especialmente en relación y en respuesta a las acciones del gobierno estadounidense en Centroamérica y otras partes. Los inmigrantes, especialmente los proletarios, no solo son parte de los sectores de la población menos propensos a demostrar la conformidad ovejuna que la América Resurgente tanto necesita; además, es muy posible que jueguen un papel crucial, en relación y en unión con otros elementos más amplios en el futuro próximo, en el proceso de hacer una revolución. . . aquí en Estados Unidos.

Para que eso ocurra — para construir el tipo de movimiento que pueda ponerse a la altura de esa tarea — es crucial que todos los que odian la opresión opongan la más encarnizada resistencia a todo vil ataque contra los inmigrantes.

P: ¿Qué se puede hacer sobre la Ley Simpson-Rodino y otros ataques a los inmigrantes?

R: La lucha más amplia y más resuelta es posible y es necesaria de parte de proletarios, estudiantes, profesionales y todos los sectores de la sociedad.

Es menester crear en los barrios, ghettos y vecindarios por todas partes una atmósfera que declare que no se tolerarán esos ataques. Tienen que aparecer en lugares destacados volantes, calcomanías, afiches y otras expresiones muy visibles de rechazo a la opresión y de apoyo a los inmigrantes. También son importantes con respecto a esto reuniones, discusiones, películas y cosas por el estilo.

Definitivamente se necesitan acciones organizadas de masas, como manifestaciones y foros. ¿Y huelgas? Sabemos de una fábrica donde, cuando el patrón anunció que iba a bajar los sueldos a la mitad con la nueva ley, los trabajadores amenazaron parar el trabajo ahí mismo; el patrón cambió de idea. También se han realizado importantes acciones de protesta en urbanizaciones públicas contra la amenaza de las autoridades de vivienda de pedirle papeles a todos los residentes. Esos manifiestos enérgicos de oposición pública de masas a los ataques del gobierno contra los inmigrantes se tienen que ver y oír por todas partes.

Por lo visto también se están adoptando otras formas de resistencia. Por ejemplo, se han creado varios métodos para dar alarmas. Se informa que en una ciudad se formó un grupo de estudiantes con el propósito de proteger a los inmigrantes de la Migra; cuando se enteran de redadas de la Migra en las calles, paradas, buses de transporte público, etc., los estudiantes se adelantan a las paradas y las calles a advertir a los inmigrantes. Es posible que se estén creando otras formas creativas de resistencia a los ataques de la Migra y los grupos paramilitares.

Y encontrar los medios de crear esa efusión de resistencia y lucha *en todas partes*, sin dejar que las autoridades sepan exactamente quién lo hace, es de importancia vital para prepararse seriamente para librar y dirigir una revolución en un futuro no muy lejano.

El gobierno pretende aislar, rodear e intimidar a los "ilegales" con sus nuevas medidas para "controlar la situación". Pretende trazar una clara línea divisoria entre los "extranjeros" y los americanos, y llevar a los segundos a por lo menos aceptar, si no a participar, en los nefandos ataques contra los primeros. Pero hay otra línea divisoria — entre las autoridades y los reaccionarios a un lado, y las masas populares de todas las capas y nacionalidades del otro — y necesita afilarse hasta que quede como una cuchilla. La complicidad con los crímenes reaccionarios contra los inmigrantes es intolerable; se necesita urgentemente la negativa y resistencia más acérrima.

Los gobernantes de Estados Unidos necesitan buenos alemanes dispuestos a seguir la corriente de su programa de horror. Si tú no fueras judío en la Alemania de los años 30 y llegaran por los judíos, ¿qué habrías hecho? Los gobernantes de Estados Unidos necesitan inmigrantes que acepten con resignación la represión, confiando que la situación mejore. Si tú fueras judío en la Alemania de los años 30, ¿qué habrías hecho? ¿Qué harás ahora?

P: ¿Cuál es la posición del proletariado revolucionario hacia los ataques xenofóbicos contra los inmigrantes?

R: "Los imperialistas estadounidenses se enorgullecen de cómo han usado y absorbido a millones y millones de inmigrantes — a todos nos han contado sobre el 'gran crisol de razas'. Pero en EU hoy hay millones de inmigrantes a quienes los gobernantes imperialistas consideran problemáticos y peligrosos. Estos son inmigrantes del Tercer Mundo, en particular de las naciones oprimidas por los imperialistas estadounidenses. Tienen una vida llena de experiencia con la dura y brutal realidad del dominio yanqui y entre ellos existe un odio profundo a esto y no poca experiencia de lucha en su contra. Además, estos inmigrantes tienen muchas cosas en común con los negros, los de ascendencia mexicana, los indígenas norteamericanos y otros pueblos oprimidos dentro de las fronteras de lo que es hoy los Estados Unidos de América. Los imperialistas ven en estos inmigrantes una fuente de inestabilidad y sublevación, una fuerza que debilita la cohesión interna del país y tiene el potencial de socavar el poder de EU como terrateniente internacional justo cuando confronta un desafío sin precedente a ese poder. Los imperialistas reaccionan afirmando más agresivamente la identidad blanca, europea, de habla inglesa de la Nación Americana.

"Para el proletariado revolucionario es completamente al contrario. Renunciamos a esa nación, denunciamos ese tipo de identidad — nuestra identidad es la del proletariado internacional. Insistimos en la igualdad de las naciones, incluida la igualdad en cultura e idioma. Y, es más, vemos en tales inmigrantes un manantial de gran fuerza — una fuerza vitalmente importante para la lucha revolucionaria para el derrocamiento del imperialismo estadounidense y para crear encima de su tumba una poderosa expresión viva del internacionalismo proletario y una base poderosa para la revolución proletaria mundial".

— Bob Avakian, presidente del Comité Central del Partido Comunista Revolucionario, EEUU.
Balas, p. 181-182

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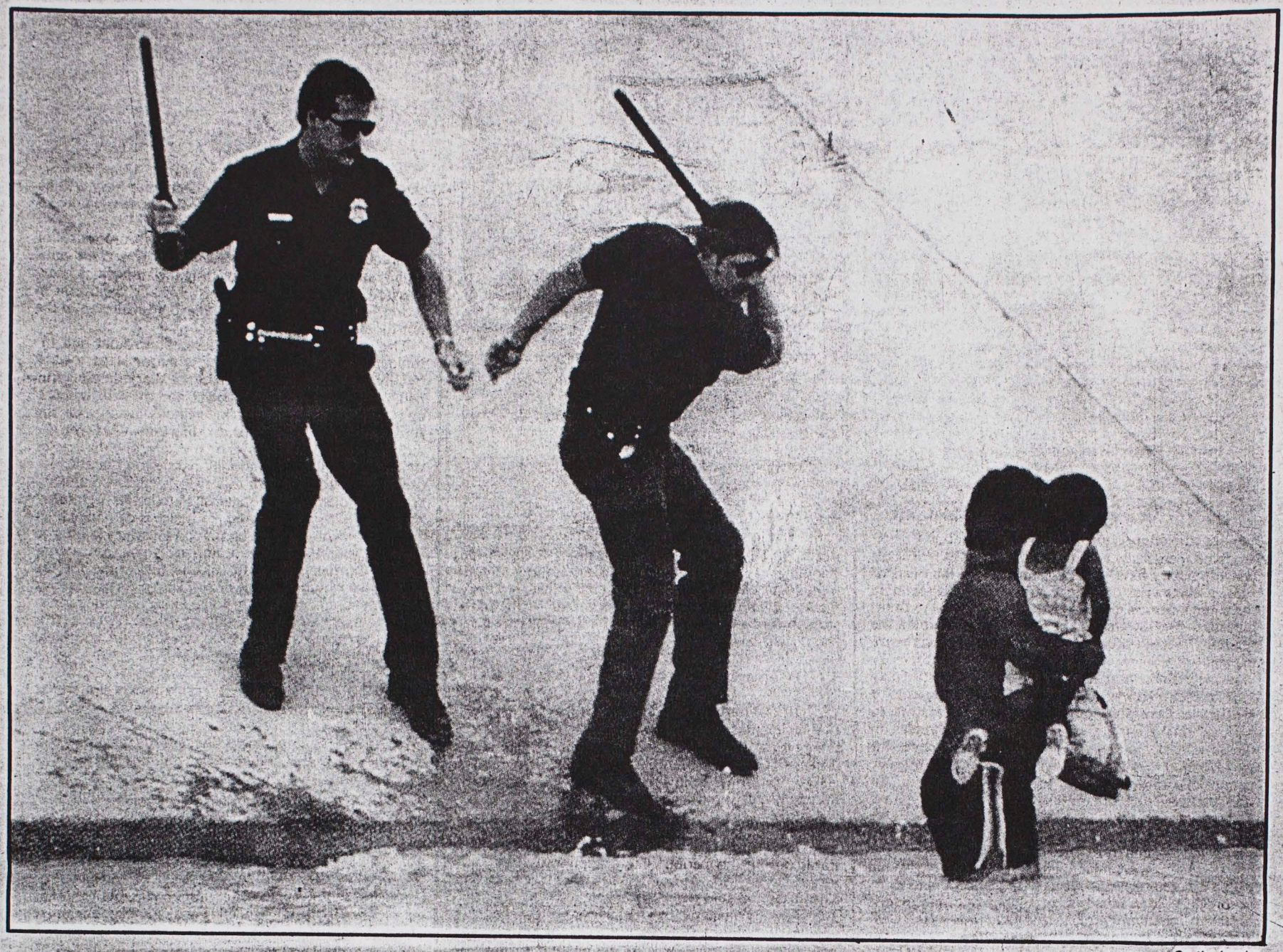


On the border.

dustries — if it is considered in the best interests of the ruling class overall. It is one more tool of the state's clampdown.

Q: Are you safe and secure if your application for "legal" status is approved by the authorities?

A: In a word, no! "Legalized" immigrants must maintain their eligibility for the entire period of their temporary and permanent residency — at least 7 years — since the grounds for terminating "legal" status are the same as for denial. For example, those who lose their jobs and are unable to find another immediately may be deemed to be in violation of the "public charge" restriction. Those who engage in any political activity disapproved of by the state may similarly find their "legal" status terminated. And, in order to obtain permanent residency after eighteen months as a temporary resident, an applicant must demonstrate that he/she either already knows how to speak English and has knowledge (acceptable to the authorities) of the history and government of the U.S., or is in an approved course of study to learn these things; those who fail to obtain permanent residency within the allotted time will have their temporary residency terminated and be subject to deportation.

And what is to stop the powers-that-be from changing the rules after they have garnered the necessary information on all those eligible to apply? There is previous precedence for this. For example, 100,000 Mexicans were granted "Silva letters" — the equivalent of temporary visas — due to a 1977 class action suit. Less than five years later, the INS demanded that those holding "Silva letters" turn themselves in for deportation.

Q: Why are voluntary agencies and organizations, such as the Catholic Church, participating in this program?

A: That's a good question — one which they should be required to answer. For their part, the authorities wanted such groups to participate for one simple reason: very few immigrants would readily walk in to an INS office to fill out an application. The government is well aware that the Migra is not held in a high degree of esteem — or trust — by those who have been its targets. The feeling among the authorities is that immigrants would be much more willing to turn themselves and their information over to the Catholic Church and other such groups. These groups will receive some funds from the INS for accepting applications on behalf of, and turning the applications over to, the government agency.

Q: Besides deportations, might the government have any other use for these data bases and lists full of registered "aliens?"

A: As noted, the law itself calls for studying the possibility of locking up immigrants in facilities currently used by the military. Rumors have already surfaced in the Ciudad Juárez press that Fort Bliss in El Paso — headquarters of Operation Alliance, the U.S. border militarization program disguised as part of the "war on drugs" — will be used this summer to incarcerate immigrants. The INS claims this is not true and acts as if the only explanation for such thinking could be paranoid delusions. As if there weren't mass deportations of Mexicans from the U.S. in the '30s and '50s. As if the U.S. authorities didn't lock up Japanese-Americans in World War II and put them in concentration camps. As if they didn't round up suspected "subversive!" immigrants in the aftermath of World War I. As if the U.S. would have nothing to do with such mass incarceration. But the very concept of concentration camps was invented in the U.S.! In 1868, the Navajo Indians were rounded up and sent to a concentration camp in Bosque Redondo, New Mexico, and Adolf Hitler later gave well-deserved credit to the U.S. in giving him the idea for concentration camps for the Jews and others.

The oppression of entire nationalities, including the foreign-born, has always been a pillar of the system in the U.S., from the days of competitive capitalism to the transformation to imperialism and down to the present day. The *New Programme and New Constitution of the Revolutionary Communist Party, USA* points out that "the history of the development of capitalism in the U.S. is a history of the most savage oppression of the Black, Native American, Mexican-American, Puerto Rican, Asian and other oppressed peoples," and goes on to state: "Discrimination, the denial of democratic rights, violent police repression, suppression and mutilation of their cultures and languages, exploitation and oppression as members of the working class, with the lowest positions, constantly high unemployment, the lowest paid jobs, the worst housing, the worst of bad health care and other social services — all this and more is daily life for the masses of these nationalities in the U.S. today" (p. 69). In '80s America, with all the contradictions of this system coming to a head and desperately needing absolute "national unity" to face-off against the Soviets, that national oppression is being intensified to an unprecedented degree. Immigrants, especially Latino immigrants, are particularly prominent among those being targeted as the "Jews" today. The Christic Institute has publicized the existence of a secret government plan calling for rounding up 400,000 illegal immigrants and others and putting them in detention camps on military bases, and claims that exercises practicing for that situation have already taken place. Recently, secret government documents were leaked to the press, apparently from within the INS, and widely publicized, which demonstrated conclusively that the U.S. government is studying "options" and "contingency plans" for — in the event of a declared "national emergency" — re-registering, rounding up and incarcerating in concentration camps and/or deporting groups of foreign-born who may be considered a "threat." One document marked "contingency plan" — described as an "option paper" by INS officials after its existence became publicized — discusses procedures for an INS "special project" whereby entire nationalities of "aliens" who presently have "legal" visas would be hunted down, sent to prison and/or other types of camps and/or deported. Cooperation between the INS and other repressive agencies, such as the FBI and the CIA, is called for. Those likely to be political opponents of the U.S. or its policies

Continued to next page

Continued from previous page
paves the way for and is a major step toward even greater and more vicious outrages in the near future.

Q: What will this law do to the position of those (non-farmworkers) who came to the U.S. after January 1, 1982 and others who are deemed ineligible for "legal" status?

A: Their position will be made much more tenuous and dangerous than at present. The law actively seeks to isolate these immigrants — and not only from other immigrants eligible for "amnesty," but from other sections of the population in the U.S., including from some who feel partisan toward immigrants (to one degree or another) but are focusing their efforts on making the law "work better." The law's effect will be to leave these "illegal aliens" even more vulnerable to even more intense oppression and exploitation from employers, landlords and others, and the stepped-up terror of the Migra.

Q: What is the intention of the government in offering "amnesty" to those immigrants who have been in the U.S. since January 1, 1982?

A: It is intended to encourage immigrants to, in the words of a number of congressmen, "come out of the shadows" — and turn their names, addresses, work histories, family members, etc. over to the INS. What will and will not be considered absolute proof of eligibility for "legal" status is being left deliberately vague so as to leave the authorities the greatest amount of flexibility. However, the INS's proposed regulations demand that immigrants prove to the agency's satisfaction their identity, their continuous residence for the required amount of time, and their "financial responsibility." Statements from people who know the applicant are not considered very good evidence by the INS and most likely will not be enough; the regulations demand that documents proving the immigrant's eligibility be turned over to the authorities. The proposed regulations also state that if the documents are declared "unverifiable" by the INS, the application for legal status may be denied.

There are other grounds as well for denying "legal" status to one who applies. The government is very concerned, for example, that an immigrant prove to the INS's satisfaction that he will not become a "public charge" unable to support himself financially. "Legalized" immigrants are ineligible for most forms of government assistance, such as welfare, for 5 years. The INS's proposed regulations state that factors that will be taken into account in making a decision on this matter include whether the applicant has ever received public assistance before, their previous and current employment record, and so on. It appears conceivable that those who cannot prove they have never received such assistance in the past, those who have received unemployment insurance payments, those who don't have a large enough savings account, and those who are temporarily out of work at the time of application may all be denied "legal" status under this requirement.

There are "criminal" grounds for denying "legal" status. Anyone who has three misdemeanor convictions or any drug conviction other than a single possession of thirty grams or less of marijuana will be disqualified. And, according to the current proposed regulations, a single felony conviction — received *anywhere in the world* — will also bring immediate disqualification. **This could include political opponents of the ruling forces who may have been convicted of "crimes" — openly political or otherwise — due to their opposition to the status quo.**

Even short of a conviction, mere participation in a wide range of banned political activity is grounds for immediate disqualification. Prohibited is any previous or current activity considered "subversive," including the distribution of literature considered dangerous by the authorities, or any activity that, in the opinion of the Attorney General, might be "prejudicial to the public interest, or endanger the welfare, safety, or security of the United States." In Los Angeles recently, a number of Palestinians who maintained "legal" status were officially kidnapped, held in prison and threatened with deportation, charged with being members of an organization that distributes literature "advocating...world communism" — a catch-all phrase potentially applicable to any number of trends that oppose the U.S. Under this law, even mild criticism of U.S. policies has been considered sufficient cause to ban artists, writers and others from entering the United States. Simpson-Rodino calls for kicking out those who are already here on the same basis.

Amid the pitfalls of acceptable proof and the various grounds for denial, there is an obvious danger that many people may "come out of the shadows" only to be rejected; indeed, some immigrants' rights groups are estimating that 70 to 80 percent of those who have lived in the U.S. for the required time period and would seem to be eligible for "legal" status will nevertheless be unable to satisfy the various demands of the authorities. However, all those who apply will have turned over to those same authorities a great deal of information about themselves and their families, including their location.

A question: why is it that the only people eligible for this so-called amnesty are those "in the shadows" (that is, those who have been illegal for the past five years and are so now)? Why is it that those who have had legal status during this period cannot apply? In fact, some people with student and other visas who have been very careful to maintain their legal status have already been notified that their situation is being changed and they will have to leave the U.S. The answer seems to be that the authorities already know who these people are and, in most cases, where they are; hence, there is no need to induce them to turn over such information under the guise of the "amnesty" trap.

The INS claims that information on the "legalization" applications will not be used to deport anyone; indeed, INS Western Regional Commissioner Harold Ezell has made TV and radio commercials in an attempt to assure immigrants that applying for "amnesty" is safe. Ezell has played point man for the U.S.'s anti-immigrant attacks; he has personally led highly publicized Migra raids, called for and endorsed a right-wing, anti-immigrant group called "Americans for Border Control" and has issued dire warnings that "those who are invading this country by feet...are going to overthrow what we understand and enjoy as a culture." Some INS officials have assured people at community meetings that all the rejected applications will be "sealed"; others have said they will be "destroyed." In any case, all the information will have been stored in the agency's computers. What is the worth of assurances from officials like these?

Q: Are there other risks in applying?

A: Interested immigrants should be aware that those (in the appropriate category) who apply for temporary residency (the first step in "legal" status) must register with the Selective Service at the time they apply if they have not already done so. This makes one available for a military draft if instituted; it is to be done even before one learns whether the temporary residency application has been approved. While there is no draft at the present time, there is continuing discussion in government circles about the possible and potential need for starting it up again. Furthermore, the global situation is such that a military mobilization might be declared necessary at any time.

In addition, it is clear that, under the "amnesty" provisions, families will be broken up, since only those *individuals* who meet the requirements — and can prove it to the INS's satisfaction — will be granted "legal" status. The INS will also have access to an applicant's family members; turning over their names and locations is part of the application process.

Those who are declared to have used fraudulent proof or made false statements to the authorities may be fined and imprisoned for five years and/or deported.

Q: The rules for farmworkers are different Why?

A: Three hundred and fifty thousand of those workers who worked in fruits, vegetables and other perishable commodities (to be determined by the Department of Agriculture), who worked at least 90 "man-days" (at least four hours) on a farm in the U.S. and lived in the country for 6 months in each of the years ending on May 1 of 1984, 1985 and 1986 — or all those who worked at least 90 "man-days" and lived in the country for three months during the year ending May 1, 1986 — are eligible for "legalization." (The first group can become permanent residents after a year as a temporary resident, while the second group must wait two years.)

The proposed regulations also state that the INS may get lists of farmworkers from growers, labor contractors, unions and other groups and organizations which have farmworker employment records. According to the proposed regulations, these lists would be used to corroborate the applications of those seeking "legal" status. They can also be used to discover everyone else. In order to pressure those who maintain such lists into turning all the information over to the INS, the proposed regulations threaten immigrants with denial of their applications if the lists are not made available and the other evidence provided with an application is "deemed insufficient."

The Simpson-Rodino Act also has provisions for growers to apply to the Secretary of Labor for permission to employ temporary agricultural workers from other countries and to supply them with housing that "meets local standards." In the past, this has meant horrendous conditions for farmworkers. There is also a provision for the use of guest workers beginning in 1990 if the Secretaries of Labor and Agriculture agree on the need. These provisions are similar to the notorious Bracero Program (1942-64), which resulted in near slave-labor conditions for both "legal" and "illegal" farmworkers imported from Mexico.

According to the INS, the rules for agricultural workers are designed, in part, "to ensure that the seasonal labor needs of American growers are met." This is a matter of great concern, not simply to the growers but to the U.S. ruling class as a whole, since agriculture plays a particularly vital role in the economy.

Q: Does the "employer sanctions" section of the law mean that those who exploit immigrant labor are also being targeted by the authorities?

A: No, certainly not most of them. In the first place, the main aspect of the so-called "employer sanctions" provision is that *everyone* will have to produce documents proving both identity and legal authorization to work in this country in order to get hired for a job. Current INS-proposed regulations also call for all job applicants to fill out a form, with immigrants being required to list the date and location of their entry into the U.S. It is true that employers will be required to check the documents, fill out their part of the forms and hold on to them for at least three years, and then turn them over on request to INS agents on penalty of fine and, ultimately, imprisonment. But the main burden here will be on the job applicant. Employers will undoubtedly demand to see the worker's identification documents, and the penalty for making false statements on work authorization forms or using false documents is up to two years in prison. Some employers have passed out English-language forms to their workers and told them not to ask any questions and just sign on the dotted line; the forms turn out to be declarations, under penalty of perjury, that the undersigned are eligible for, and intend to apply as soon as possible for, "legal" status.

On another level, the "employer sanctions" provisions do allow the government a great deal of flexibility in going after *certain* employers — or even certain in-

10¢

The New Immigration Law: "Humane Gesture" or Vicious Attack?

Immigration Law Fact Sheet

The new immigration law: President Reagan, congress members, immigration officials, the mainstream media — all have referred to it as "generous" and "humane." They have touted its promises of "opportunity" to uncounted and unknown millions of immigrants — those who hold no papers officially permitting their presence in the U.S. The call to these immigrants to "come out of the shadows and into the sunlight," as a number of congressional representatives have put it, is evidence of "the Nation's humanitarian concern" for immigrants, according to a booklet put out by the House of Representatives committee that sponsored the law.

Generous? Humane? Concern? As millions around the world and in this country have learned through bitter experience, when the U.S. authorities start talking like this — it's time to hide the children!

Listen to just a few of the comments collected from immigrants by the *Revolutionary Worker* newspaper:

The immigration law is a threat — a threat to the people. How can we explain what a threat it is? Many are scared.

People say, we'll be out of here in May. Back home, they burned my house. I had to sell my cows to come here, (I) have nothing. They say we can no longer live here, we can no longer live there.

If I go back, I'm hunted. If I stay here, the same thing. Right now, I consider myself without a country.

People are saying that the U.S. is preparing to control all immigrants. This law. . . is a piece of shit.

In the months following the law's passage, even prior to many of its provisions taking effect, there has been a wave of official and unofficial attacks on immigrants in the name of enforcing immigration law:

• Highly publicized Gestapo-like Migra (Immigration and Naturalization Service) raids in areas where immigrant laborers gather to await the call for work, with INS agents sweeping the streets, halting and boarding busses, chasing immigrants into alleys and stores, etc.;

• INS agents entering an elementary school to kidnap a young boy and deport him with his grandmother back to El Salvador;

• Severe cuts in pay and working conditions in a number of already low-wage jobs, under the threat that any protest will result in firings and *permanent* unemployment, as many workers will be unable to get another job without the proper proof of "legality";

• Employers passing out forms and telling workers to sign them if they want to keep their jobs, with the forms — in English — declaring *under penalty of perjury* that the worker is legally entitled to work in the U.S.;

• An increase in vigilante assaults on immigrants, including the appearance in San Antonio, Texas, of a leaflet signed by the "New South Freedom Fighters," declaring that the group had murdered two illegal aliens in Ozona, Texas, and would murder two more every month until the U.S. border was sealed.

In the face of such realities amid the velvet promises of officials and some volunteer groups who are assisting them, there is much confusion and questioning about the new immigration law and what can — and should — be done about it. This pamphlet is designed to answer the questions and expose this new law for what it is: a major step of repression on the road toward an all-Amerikkkan clampdown against immigrants. . . one of the potentially "troublesome" sections of the U.S. population.

Question: What does the new immigration law do?

Answer: The law has three main features:

1) "Amnesty" or "legalization": Beginning on Cinco de Mayo (May 5), those who have lived "illegally" in the U.S. continuously since January 1, 1982, or who worked in agriculture for at least 90 days in the year ending May 1, 1986, and can provide enough proof to satisfy the INS that this is so, will be eligible to apply for legal temporary resident status. All others will remain outlaws and be liable for deportation at any time.

2) Big increase in the Migra: The law calls for the budget of the Immigration and Naturalization Service as a whole to be doubled, up another $841 million; a 50 percent increase in troop strength for the Border Patrol alone is mandated. This is in addition to the announced $266 million/500 agent military-like border deployment known as Operation Alliance, carried out under the guise of a so-called "war on drugs." Overall, the border region is being militarized to an unprecedented degree.

3) Work authorization, also known as "employer sanctions": According to a proposed INS regulations, all employees — citizens as well as immigrants — hired after November 6, 1986 must fill out a form and show prospective employers documents that demonstrate both the worker's identity and his/her legal authorization to work in the U.S. Such forms must be kept by the employer for at least three years after the date of hiring or one year after the date of termination, whichever is later. According to the proposed regulations, the forms must be turned over to the INS authorities upon their request; no warrant is required. Workers who make false statements or use false documents can be sent to prison; employers who knowingly hire those not officially authorized to work are liable for fines and may, after repeated offenses, be sent to prison as well.

Other features include a so-called "anti-discrimination" provision that actually makes it legal for employers to discriminate against immigrants if there is a citizen they claim is equally qualified for the job; a new version of the "bracero" program, where some agricultural workers will, if needed by growers, once again be brought in to work in conditions of indentured servitude; a number of studies will be conducted seeking foolproof methods for the government to compile lists of and verify the identity of not only every immigrant but *every person* in the U.S.; the Secretary of Defense is to compile a list of facilities that can be used as detention centers (also known as *concentration camps*) for immigrants and turn said list over to the Attorney General.

Q: What is the purpose of the Immigration Reform and Control Act?

A: According to a summary put out by the House Judiciary Committee, the "major purpose" of the law is "the control of illegal immigration." In fact, it is *people* that the government seeks to control.

U.S. authorities don't even know how many immigrants there are in this country, let alone who and where they are. Facing extreme times, especially their necessity to wage world war in an effort to protect and expand their empire, U.S. rulers require absolute command and control over all sections of their subject population — especially those who tend to be the most volatile, disloyal and potentially revolutionary; certainly, the vast majority of immigrants are among those sections. The urgency of the matter was not lost on the congressmen who voted for the law. As one conservative congressman, in explaining his vote for a bill that would "reward lawbreakers" by "legalizing" them, said, "The need for control of illegals is growing. . . Congress can't wait any longer."

The Simpson-Rodino Act is designed to help facilitate the clampdown on immigrants by increasing the terror directed against, and attempting to isolate, millions of immigrants who will remain "illegal," and at the same time enabling the authorities to register all immigrants, compiling and updating computerized lists of who is in the U.S. and precisely where they are. For both the many millions who will remain "illegal" and the smaller number who will temporarily be granted "legal" status, this fascist law is not only a head-on assault today but

Continued to next page

STOP SIMPSON-MAZZOLI!

WHAT IMPORTANT CHURCH, LABOR AND COMMUNITY GROUPS SAY ABOUT S-529 & HR-1510

CALIFORNIA CATHOLIC CONFERENCE—.MARCH 4, 1983

"WE DO NOT FEEL THAT THERE IS SUFFICIENT GOOD IN THE LEGISLATION PRESENTLY TO MERIT OUR SUPPORT. IN THIS WE DISSENT FROM THE POSITION OF QUALIFIED SUPPORT TAKEN UP TO THE PRESENT BY THE GENERAL SECRETARY AND THE STAFF OF THE UNITED STATES CATHOLIC CONFERENCE OFFICE OF MIGRATION AND REFUGEES SERVICES."

THIS CONCENSUS WAS EXPRESSED AT A MEETING SPONSORED IN SAN JOSE, CALIFORNIA BY THE CALIFORNIA CATHOLIC CONFERENCE ON THE IMMIGRATION REFORM LEGISLATION KNOWN AS THE SIMPSON-MAZZOLI BILL.

SOUTHERN CALIFORNIA ECUMENICAL COUNCIL (PROTESTANT) APRIL 6, 1983

"THE IMMIGRATION REFORM AND CONTROL ACT" IS NOW BEFORE CONGRESS. WE OPPOSE THE ENTIRE EFFORT TO ACHIEVE PASSAGE OF A MAJOR REVISION OF IMMIGRATION LAW AT THE PRESENT TIME PERIOD. WE DISAGREE WITH ANTI-IMMIGRANT ASSUMPTIONS WHICH APPEAR TO BE CURRENTLY PROMINENT IN CONGRESS AND THE ADMINISTRATION AND WHICH HAVE CONSIDERABLE PUBLIC SUPPORT. WE ANTICIPATE THAT THE FINAL PRODUCT MIGHT REFLECT THOSE ASSUMPTIONS."

SOUTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS AFFILIATED WITH AFL-CIO DECEMBER 2, 1982

"THE SOUTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS UNALTERABLY OPPOSES THE SIMPSON-MAZZOLI BILL AND URGES YOUR OPPOSITION TO THIS MEASURE. IT IS OUR OPINION THAT THE BILL IS AN IMMORAL BILL AND INEVITABLY TAKES THE FIRST STEP TO THE "IDENTITY CARD" WHICH IS THE HALLMARK OF THE TOTALITARIAN STATE AND SANCTIFIES A DIRECT DISCRIMINATION AGAINST OUR MEXICAN-BORN BROTHERS."

TEAMSTERS UNION LOCAL 208, LOS ANGELES

"WE WOULD LIKE TO TAKE THIS OPPORTUNITY TO INFORM YOU THAT LOCAL 208 OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS PASSED A RESOLUTION STRONGLY OPPOSING THE IMMIGRATION REFORM AND CONTROL ACT (SIMPSON-MAZZOLI BILL) AS A THREAT TO THE SOCIAL WELL BEING OF ALL UNION MEMBERS AND WORKING PEOPLE GENERALLY. AT THE GENERAL MEMBERSHIP MEETING OF AUGUST 15, 1982."

LEAGUE OF UNITED LATIN AMERICAN CITIZENS — "LULAC." NATIONAL CONVENTION

"LULAC IS THE OLDEST AND LARGEST LATIN AMERICAN ORGANIZATION IN THE UNITED STATES. WE HAVE CONDEMNED AND OPPOSED PASSAGE OF THE SIMPSON-MAZZOLI BILL AT EVERY STATE CONVENTION AND AT OUR NATIONAL CONVENTION AS WELL. WE URGE EVERY AMERICAN TO OPPOSE IT AND TO WRITE, WIRE AND PHONE HIS OR HER CONGRESS PERSON TO VOTE AGAINST IT AND TO URGE THEIR FELLOW MEMBERS OF CONGRESS TO OPPOSE AND VOTE AGAINST IT."

TEN IMPORTANT REASONS WHY THE SIMPSON-MAZZOLI BILL MUST BE DEFEATED

1. IT REQUIRES ALL AMERICANS, BE THEY NATIVE-BORN, LEGALLY IMMIGRATED OR UNDOCUMENTED, TO CARRY A NATIONALLY CONTROLLED INDENTIFICATION WORK PERMIT.

2. EXTENDS TO LOCAL POLICE, SHERIFFS, STATE OR LOCAL AUTHORITIES THE POWER TO ENFORCE IMMIGRATION LAWS, DETAIN AND TURN OVER TO IMMIGRATION ALL PERSONS SUSPECTED OF BEING HERE WITHOUT DOCUMENTS OR VISAS.

3. AUTHORIZES EMPLOYERS FOREMEN, LABOR CONTRACTORS IN THE FIELDS, UNION HIRING HALL DISPATCHERS, AND EMPLOYMENT AGENCIES TO FIRE, SUSPEND, REFUSE TO HIRE OR DISPATCH, AND REFER PERSONS BELIEVED TO HAVE NO VISAS.

4. CONSTITUTES AN ATTACK ON LABOR UNIONS WHOSE MEMBERSHIPS OFTEN INCLUDE LARGE NUMBERS OF IMMIGRANT AND MINORITY WORKERS AND THEIR FAMILIES.

5. REDUCES OR ELIMINATES MANY OF THE PROVISIONS BY WHICH REFUGEES, FLEEING FROM BRUTAL PERSECUTION OR OPPRESSION IN THEIR HOMELANDS, COULD SEEK ASYLUM IN THE UNITED STATES.

6. ESTABLISHES A NEW, MASSIVE FOREIGN WORKER IMPORTATION PROGRAM OF 500,000 WORKERS WITHOUT PROTECTIONS WHATSOEVER WHICH WILL DESTABILIZE THE UNITED FARMWORKERS UNION, LED BY CESAR CHAVEZ.

7. REDUCES DRASTICALLY THE RIGHTS AND AVENUES BY WHICH FAMILIES WHO ARE EITHER U.S. CITIZENS OR PERMANENT RESIDENTS CAN UNIFY THEIR FAMILIES BY IMMIGRATING HERE AS IMMEDIATE RELATIVES...ESPECIALLY ASIANS, BLACKS OR LATINS.

8. SEVERELY LIMITS COURT APPEALS AND CONSTITUTIONAL RIGHTS OF PERSONS DETAINED BY IMMIGRATION AGENTS ON THE JOB, IN THE STREETS OR IN HOMES.

9. INCREASES DISCRIMINATION BY AUTHORITIES AGAINST ALL MEXICAN, LATINO, BLACK, ASIAN AND NON-WHITE PERSONS ON THE JOB OR AT SERVICE AGENCIES.

10. CHANGES OUR IMMIGRATION POLICIES FROM THE UNIFYING OF FAMILIES TO THE PERSECUTION AND DENIAL OF RIGHTS TO IMMIGRANTS AND THEIR FAMILIES.

What you can do . . .

You can help stop the bill if you let your Congressman know as soom as possible that you oppose it.

Urge your congress person to oppose the bill and to do everything possible to prevent its consideration on the House floor. Emphasize the fact previous immigration legislation has been passed in lame-duck session, with little consideration as to their after-effects.

If you visit your representative with a group of people, have a meeting beforehand to familiarize everyone with the issues and with the points you want to make during your meeting. You should discuss how different provisions will affect you, members of your family and your community.

If you are not able to visit your representative, send letters or telegrams and call the office to express your views. If you send letters, please be sure to send copies to:

NATIONAL IMMIGRATION COALITION
8601 LANKERSHIM BL.
SUN VALLEY, CA. 91352

SAMPLE LETTER...PLEASE SEND YOURS TODAY! ASK YOUR PASTOR, CHURCH MEMBERS, UNION OFFICIALS AND UNION MEMBERS, FRIENDS, RELATIVES AND NEIGHBORS TO DO THE SAME!...

CONGRESSMAN PETER RODINO, CHAIRMAN
HOUSE JUDICIARY COMMITTEE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

HONORABLE CONGRESSMAN RODINO:

I WRITE TO ASK YOU NOT TO APPROVE PASSAGE OF THE SIMPSON-MAZZOLI BILL H.R. 1510 AS IT WILL DO GREAT HARM TO ALL MEXICAN AND OTHER SPANISH SPEAKING AMERICANS THAT LIVE IN OUR COUNTRY. THIS BILL, LIKE THE ONE THAT ONCE PASSED IN THE STATE OF CALIFORNIA AND WAS STRUCK DOWN BY ITS COURT SYSTEM SOME TWELVE YEARS AGO DISCRIMINATES AGAINST EVERYONE WHO IS BROWN, SPANISH-SPEAKING AND OF SPANISH ORIGIN OR SURNAME IN OUR JOBS THE COURTS, SCHOOLS AND EVERY LEVEL OF LIFE...WHETHER WE ARE NATIVE-BORN, PERMANENT RESIDENTS OR UNDOCUMENTED PERSONS.

I WISH TO EMPHASIZE THAT THE SO-CALLED "AMNESTY" OR "LEGALIZATION" WILL DEPRIVE OF US OF RIGHTS AND BENEFITS THAT WE ALREADY ENJOY AS TAXPAYERS AND THUS ARE ENTITLED TO THESE SERVICES, TO UNEMPLOYMENT INSURANCE AND TO IMMIGRATE OUR IMMEDIATE FAMILY MEMBERS. THE SO-CALLED "AMNESTY" WILL THUS TAKE AWAY RIGHTS AND BENEFITS WE ALREADY HAVE WITHOUT OUR RISKING THE DENIAL OF SO-CALLED "LEGALIZATION" AND DEPORTATION.

PLEASE USE YOUR GREAT INFLUENCE AND PRESTIGE TO STOP THIS BILL THAT WILL HARM SO MANY AMERICANS AS WELL AS IMMIGRANTS AMONG ST US.

RESPECTFULLY YOURS.

IMPORTANT AMERICANS HAVE SPOKEN OUT AGAINST THE SIMPSON-MAZZOLI BILL
PARTIAL LIST OF ORGANIZATIONS AND INDIVIDUALS OPPOSED TO IT:

MAYOR TOM BRADLEY

GOVERNOR JERRY BROWN

CESAR CHAVEZ

THE U.S. CATHOLIC CONFERENCE OF BISHOPS *Strongly Opposes Most Sections Of The Bill.*

International Molders Union Convention. AFL-CIO
International Molders Union Local 164. AFL-CIO
Frank Rosen, Int. V.P. United Radio & Machine Workers of America
International Longshore & Warehouse Union
United Auto Workers Local 645. AFL-CIO
United Auto Workers Dist. 65, So. Cal.
Mario Obledo, California Candidate Governor
Fr. George Crespin, Chancellor, Roman Catholic Diocese of Oakland, Calif.
La Raza Coalition de Berkeley, Calif.
Filipino Immigrant Services Center
East Oakland Community Law Office
Raza Democratic Club of Alameda County
C.I.S.P.E.S. San Francisco

American Friends Service Committee
Coalition For Haitian Asylum
Centro Legal de la Raza
Catholic Charities, Oakland, Calif.
National Lawyers Guild, San Francisco Cal.
Mark Van Der Hout, Atty-At-Law
M.A.P.A., Alameda County
Spanish-Speaking Unity Council, Oakland
Fr. Larry Dunphy, Franciscan Social Concern
Comite Popular Educativo de la Raza, Oakland

UPC-AFT-AFL-CIO Local 1593, Sacramento
Assemblyman Howard Berman, Los Angeles
Fr. Keith Kenny, Guadalupe Church, Sacramento
Congressman Julian Greene, Los Angles
Congressman Mervyn Dymally, Los Angeles
Frank Gurule, Pres., Local 721, Carpenter Teamsters Local 208

Furniture Workers Union Local 1010
Coalition Pro Visas & Rights, Los Angeles
Coalition Pro Visas & Rights, Orange County
Organization of Salvadoran Professionals & Technicians,
National Hispanic Chamber of Commerce
Hispanic Democrats, Orange County
Hispanic Businessmen & Professional Assoc.
United Neighborhood Organization
Synod of So. Cal. & Hawaii, United Presbyterian Church

Fr. Allan Figueroa Deale
Committee for Salvadoran Refugees
Filipinó Immigrants Rights Organization
People United for Human Rights, San Jose
Nadia Bledsoe, Pres. AFSME Local 1728
Pablo Cadillo, Secretariat for Hispanic Affairs, USCC
United Church of Christ

Rev. Don Romero, U.C.C.
Rev. Hector Lopez, U.C.C.
Rev. Elias Galvan, United Methodist Church
Congressman Marty Martinez
Esteban Torres
Richard Alatorre, Assemblyman, Calif.
Art Torres, Assemblyman, Calif.

Mayor Gus Newport, Berkeley, Calif.
Board of Supervisors of Alameda County, Calif.
Archbishop John Quinn, San Francisco, Calif.
Form Labor Organizing Committee, Toledo, Ohio
U.S. Senator Edward Kennedy
U.S. Senator Alan Cranston
Secretariat for Hispanic Affairs, USCC
Southern Cal. Ecumenical Council
Committee On Chicano Rights, San Diego
Texas Immigration & Refugee Network
Oregon Coalition for Imm. & Refugee Rights
United Meth. Church, Bd. of Church & Society

Network, A Catholic Social Justice Lobby
Council of Coalitions for Visas & Rights
Mexican-American Political Assn., Calif.
American-Arab Anti-Discrimination Committee
Haitian Refugee Project
Fifth Preference Coalition
Centro de Trabajadores de Canerias, San Jose

Union of Democratic Filipinos
National Immigration & Refugee Network
P.A.D.R.E.S., Nat. Pres. Fr. Ramon Gaitan
Natl. American G.I. Forum
Education Para Adelantar, EPA, Alameda County
Kanter, Wiliams, Merin & Dickstein, Attys., Sacramento, Ca.

Francis A. Quinn, Bishop of Sacramento
Spanish International Television Network
Board of Supervisors of San Diego County
National Comitte Against Repressive Legislation
American Civil Liberties Union

Fr. Luis Balbuena, Mary Immaculate Parish
Fr. Cuchulain Moriarity, Holy Redeemer Parish

Frente Unido Salvadoreno
Asian Law Caucus
Fr. Ray Tintle, Mary Help of Christians Ch.
Fr. Antonio Valdivia, St. Anthony's Church
Fr. John MacDonnell, St. Elizabeth Church
San Antonio Neighborhood Health Center
Western Region Puerto Rican Council
U.S. Congressman Pete Stark
U.S. Congressman Don Edwards
U.S. Congressman Ron Dellums
Fruitvale Senior Citizens Community Center
Emiliano Zapata Steet Academy
La Escuelita, Oakland, California

Interfaith Coalition for Justice to Immigrants
Natl. Fed. of Priests Councils, Fr. McCauley
National Assembly of Women Religious, NAWR
Ceferino Ochoa, Arch. Committee Latin America
Fr. Jim Colleran, Cluster, St. Vitus Parish
Catholic Social Services
Chicago Committee for the Bill of Rights

National Center for Immigrant Rights
Hermandad Mexicana Nacional
National Immigration Coalition
Mexican-American Legal Defense Fund
LULAC — National Organization
U.S. Congressman Edward Roybal
Social Justice Comm. Archdiocese San Francisco
Board of Education, Berkeley, Calif.
City Council of Berkeley, Calif.
U.S. Congressman Jerry Patterson

FOR MORE INFORMATION ABOUT THE SIMPSON-MAZZOLI BILL, WRITE OR CALL:

LULAC NATIONAL OFFICE
400 IS Street RM. 716
Washington, D.C. 20001
Tel 202-628-0717

AMERICAN FRIENDS SERVICE COMMITTEE
980 N. Fair Oaks
Pasadena, CA 91103
Tel 213-791-1978

NATIONAL COMMITTEE AGAINST REPRESSIVE LEGISLATION
201 Mass. Ave. N.E.
Washington, D.C. 20002
Tel 202-543-7659

HERMANDAD MEXICANA DE ORANGE COUNTY
425 1/2 N. Sycamore ST.
Santa Ana, Ca 92704
Tel 714-541-0250

COALITION PRO VISAS & RIGHTS FOR UNDOCUMENTED
2111 1/2 Brooklyn Ave.
Los Angeles, Cal.
Tel 213-266-2690

NATIONAL CENTER FOR IMMIGRANTS RIGHTS, INC.
1544 W. 8TH ST.
Los Angeles, CA 90017
Tel 213-388-8693

NATIONAL IMMIGRATION COALITION
8601 Lankershim Blvd.
Sun Valley, CA 91352
Tel 213-768-1171

SEND YOUR DONATIONS

REQUESTS FOR MORE LITERATURE, LIST OR ADDRESSES WHERE WE CAN SEND MORE LITERATURE TO.

NATIONAL IMMIGRATION COALITION
8601 LANKERSHIM BLVD.
SUN VALLEY, CA. 91352

Questions, answers on immigration law

By AMY PYLE
Bee staff writer

Juan Arambula is a Fresno attorney who hosts a weekly radio broadcast on Radio Bilingue regarding immigration reform. The call-in talk show airs from 7 to 8 p.m. Thursdays on KSJV-FM91. Before entering private practice last year, Arambula represented farmworkers through the California Rural Legal Assistance. The following are some of the questions Arambula has been asked most frequently since the Immigration Reform and Control Act became law.

Q. What is the difference between the amnesty program and the farmworker program?

A. For amnesty, it doesn't matter where you work, it only matters when you came in (before Jan. 1, 1982). For the seasonal agricultural workers program, it doesn't matter when you came in, only that you worked in agriculture for at least 90 days last year.

Q. I qualify for both the amnesty program and the farmworkers program. Which is better?

A. The benefits and disadvantages are several.

Education: People who have no formal schooling in Mexico are very afraid of going back to school to learn English, which they have to do for the amnesty program but not for the farmworkers program.

Criminal records: For amnesty, three misdemeanors or one felony can disqualify you. For the farmworkers program, you can have more, as long as your total time in prison did not exceed five years — that's time served, not sentence.

Public assistance: It's just a small word change, but on the farmworkers program it says "without reliance on public cash assistance," while on the amnesty program it says, "without receipt of public cash assistance." The seasonal nature of agriculture is realized: There might be times when you'd like to work, but there's no work.

Future: For amnesty, you have to apply again after 18 months, and

Alien bill paved way for reform

Illegal immigration was the topic of national discussion in this country for years, but all efforts at reform seemed doomed to fall victim to last-minute disagreements and snafus until the U.S. Congress passed a bill last fall.

Part of what made that bill palatable to liberals and conservatives, to the farmworker advocates and the farmer's representatives, was the Special Agricultural Workers program or SAW.

SAW was a compromise intended to help growers, particularly in the Western regions of the country, continue to find enough employees to harvest their crops. Under SAW regulations, 350,000 farmworkers will be granted temporary U.S. residence during the next year and a half.

That farmworkers program begins June 1, and immigration experts believe that by the end of the application period — in a year and a half — at least half of the 350,000 will have applied in California's Central and San Joaquin valleys.

be excluded at that point if you have any crimes or welfare in the meantime. For farmworkers, after a year or two they almost automatically get green cards.

Q. What if I left the country when I wasn't working? Will I qualify?

A. For the amnesty program, you can only have a 45-day break in residence every year, or more if there was a family emergency. But for the agricultural workers, there are two subgroups: If you just worked 90 days from '85 to '86, your residency is working the 90 days, that automatically satisfies the residency requirement. For those who worked at least 90 days during the past three years, they have to have resided here at least half the year — six months.

Q. I'm afraid to go to the Immigration and Naturalization Service's legalization office because they might take me back to Mexico. Do I have anything to fear?

A. Legalization really has no connection with the Border Patrol. You

office. There are very specific restrictions on disclosure of information — civil and criminal penalties. If I were a legalization officer, I couldn't even go home and tell my wife what I did that day.

Q. I keep hearing that the Internal Revenue Service wants to use the information from the INS to track down illegal aliens who have not paid taxes in the past. Could this happen?

A. The two are totally independent agencies and from what we know right now, there should be no contact between the INS and other agencies, because of the confidentiality provision. Payment of taxes is not a condition for filing a legalization application. We have to take them at their word and if something comes up, deal with it at that time.

Q. I never saved the kind of documents that the INS is asking for and it's hard for me to track that information down. Am I alone?

A. There are a lot of document problems. There are many people who have been here through the

whole period and have very little to show for it. Some have lived in employer-provided housing or double-family houses. Some have gotten payment of wages in cash or it wasn't reported to Social Security or the Employment Development Department. The biggest problems are for those who migrate more frequently. It's usually not insurmountable. You just have to get together any documents you can.

Q. What if I've only worked for labor contractors, never for the growers themselves? Where should I go for documents?

A. Middlemen are going to be very crucial — the labor contractors and labor supervisors. They did the recruiting, the hiring, the training. You should go to them and I hope they will not charge unscrupulous fees for providing the information.

Q. How soon do I need to take my application in to the legalization office?

A. You should go sometime between now and Sept. 1, but I don't think people should go in right now unless they have to — unless they're bound by the 30-day requirement (that includes anyone currently involved in a deportation hearing with the INS). It's to your advantage to see how cases like yours are treated, what potential problems there may be. That way you also would avoid having to lose work waiting in line.

Q. But my employer says I need to show him some kind of proof. Don't I have to get that from the INS?

A. Until Sept. 1, you can use one piece of identification, like a California ID, and a Social Security card. If you don't have those cards, on the same form your employer would have used to record those, you can write, "I am authorized to work because I believe I am eligible for legalization." The only problem is the INS was supposed to print a half million of those forms — called I-9s — and distribute them to employers. I don't think they have yet.

Q. If I get approval from the legalization office, how long will I be legal?

A. People seem to think they're only going to get a temporary permit and then they'll have to go back to Mexico. But actually, they only need to come back and apply for permanent residency. For the amnesty people that means keeping their noses clean during the interim period and learning a little English and civics. For the farmworkers, it should be pretty much automatic.

Q. How soon can I go visit my family in Mexico?

A. If you have a temporary permit, you should get INS permission to go on trips of short durations. Leaving without permission is the worst thing you can do. You could be disqualified for it.

Q. What about my wife, who doesn't work in the fields? Can she become legal, too?

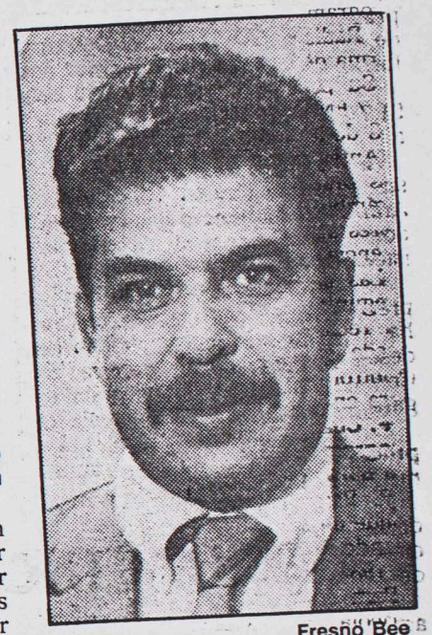
A. That's a very big fear. Often the women haven't worked or they've worked in a cannery, for instance, which doesn't qualify as perishable under the farmworker program. Obviously people have been living here in an undocumented way for a long time, so I think they're just going to continue. It all depends on the INS policies. The INS has said it will not go out and actively deport them. The only problem is if they get caught. If they do, they have several options, including trying for a suspension of deportation because of citizen children or for humanitarian reasons.

Q. Do you think maybe it would be better if I didn't write down the names of family members who don't qualify?

A. No. You really have to put everybody down. Otherwise, two years from now when you get permanent residency and want to petition for family members to become legal, the INS is going to say, "Where did this person pop out of the woodwork?" The whole privacy thing only applies if the INS doesn't suspect fraud. Once they do, they can investigate the heck out of your application.

Q. I've received some public assistance over the years. Will that disqualify me?

A. It's a little unclear what standard the INS will use, but traditionally they have looked at the totality of the circumstance — in other words, they've looked at everything.



Fresno Bee

JUAN ARAMBULA
— Fresno attorney

If a woman had raised a child and had welfare, but now she works, it's more probable than not that she will not become a public charge. You have to show you can maintain your family. The test is prospective: "From the time you apply, will you need public assistance?"

Q. I'm afraid of getting professional help to fill out the application because I don't have much money and I'm worried I will get swindled. How can I handle it?

A. If you go out and buy a car, you're not going to buy the first one you see. When you talk about the services you're going to get and the price, get it in writing and make sure you understand it.

Q. Will the new law be a good thing for me?

A. What I hope is that somebody who's here legally will be a little more likely to insist on their rights. But it also makes it worse for those who don't qualify. They're going to have to rely on forged documents and they're going to have to rely on the less scrupulous employers, who, if they know they are undocumented, will be able to prey on them.

CON TEMOR continúa el flujo de braceros mexicanos hacia el país del norte, en busca de trabajo. La gráfica fue tomada en el Cañón de Zapata, California. (Foto de Gustavo Camacho, enviado)

Perpetuará Racismos la Ley Rodino: Baca

Es un Insulto Histórico Contra el Mexicano y sus Descendientes

Pese al Temor, no Cesa el Flujo de Inmigrantes Indocumentados

Por RAYMUNDO RIVA PALACIO, enviado de EXCELSIOR

NATIONAL CITY, Cal., 28 de abril.—Herman Baca, presidente del Comité por los Derechos Chicanos, afirmó hoy que la Ley Simpson-Rodino es "un insulto histórico" contra los mexicanos y sus descendientes en Estados Unidos, en cuyas comunidades perpetuará "la histeria y el racismo".

Lejos de considerarla como un rechazo

SIGUE EN LA PAG. VEINTICUATRO

CAÑON EMILIANO ZAPATA, BCN, 28 de abril.—Atemorizados y confundidos, decenas de miles de mexicanos se encuentran en la frontera de México y Estados Unidos, sumidos en fantasías apocalípticas y víctimas de sicosis y, sin embargo, la inmigración indocumentada continúa su flujo hacia el norte.

En un clima de desconocimiento y de

SIGUE EN LA PAGINA DOCE

EXCELSIOR 29 APR 87

Perpetuará Racismos la Ley Rodino

Sigue de la primera plana

de la mano de obra mexicana, el líder chicano señaló que la Simpson-Rodino es de hecho, "una declaración de que el trabajador mexicano es parte intrínseca de la economía (estadunidense) y que no puede vivir sin su ayuda".

Pero, admitió, los mexicanos no tienen reconocimientos. "Lo que se está desarrollando son programas de braceros y poniéndole a los mexicanos la marca de criminales, por el solo hecho de buscar trabajo", agregó.

En su modesta oficina de este suburbio de San Diego, Baca, que ha luchado por más de 18 años por los derechos chicanos, habló este mediodía durante una entrevista.

Su posición política no ha cambiado, a diferencia de una situación en Estados Unidos que es irreversible.

La Simpson-Rodino es una reforma a la Ley de Inmigración que fue firmada por el Presidente Ronald Reagan el pasado 6 de noviembre, con lo cual culminaron varias décadas de infructuosos esfuerzos por renovarla.

El próximo martes se inicia la segunda etapa de la ley, relacionada con la solicitud de amnistía por parte de los trabajadores indocumentados, y que es uno de los puntos más controversiales de la legislación.

NO ES AMNISTIA

"¿Amnistía?", repitió Herman Baca. "Eso no es amnistía. Amnistía significa que todo se ha olvidado, que todo se ha perdonado. La cuestión política aquí es de qué se trata la amnistía. ¿Qué crimen cometieron? ¿Pedir un trabajo que en Estados Unidos nadie quería hacer?, ¿pedir amnistía porque son explotados?"

Añadió: "Es una mala propuesta. Aquí no hay perdón ni olvido. Es un propuesta condicional y lo primero que tendrá que hacer un indocumentado será registrarse en el ejército (si es aceptado); lo que significa que es muy posible que Reagan lo envíe a Centroamérica o a Irán, y morir incluso antes de recibir su amnistía."

En cambio, precisó, no serán personas con todos sus derechos. Explicó: van a tener que trabajar y pagar impuestos, como todos, por un mínimo de tres años pero a diferencia del resto, no van a recuperar "ningún centavo de sus impuestos".

Ello no sería todo el inconveniente. Los trámites burocráticos a decir de Baca, serían otro factor importante.

Dijo que actualmente el Servicio de Inmigración y Naturalización de Estados Unidos (SIN), tiene un atraso de 10 años en el procesamiento de las visas de residencia temporal otorgadas en el Continente Americano, cuya cuota anual es de 170,000.

"Si no pueden procesar ese número —indicó— ¿Cómo harán con las nuevas solicitudes que calculan ellos mismo entre 2 y 4 millones?"

RACISTA Y CORRUPTO EL SIN

Más aún, explicó, está el hecho mismo de que sea el mismo SIN el que procese las solicitudes de los trabajadores indocumentados. "El SIN es la Gestapo de la gente mexicana", aseveró Baca. "Es la agencia (del gobierno estadunidense) más racista, incompetente y corrupta, que será la que procese las solicitudes."

Con el historial del SIN en el trato a los mexicanos indocumentados, Herman Baca trazó analogías.

"Esa responsabilidad es como si el Ku Klux Klan administrara un programa de derechos civiles para los negros; o la Gestapo se hiciera cargo de las reubicaciones de judíos; o hubiera un programa similar para los indios estadunidenses dirigido por el general Custer."

"El SIN no va a cambiar", lamentó. "El querer que sea esa agencia la que procese las solicitudes, es como el que vaya a jugar a la ruleta rusa con una pistola del SIN cargada con seis balas".

"De cualquier forma —anticipó— no va a haber solución, aunque los patrones saben que necesitan esa mano de obra", aclaró.

Es ese aspecto, según Baca, una de las dos razones por las cuales se aprobó la ley Simpson-Rodino. Y explicó:

"Este país ha llegado al nivel en que no está aumentando la población, y tienen estudios donde se ha comprobado que para que este país continúe creciendo económicamente, van a tener que importar trabajadores. Se cree que de 5 a 15 millones de ellos para el año 2000.

"Aquí le dice (el gobierno estadunidense) a su gente que tiene que acabar con la invasión de mexicanos, y esa es una razón para incrementar la patrulla fronteriza, para castigar a los patrones que empleen indocumentados y para militarizar la frontera.

"Pero la legislación tiene la contradicción de que, al mismo tiempo que piden ello, quieren importar 350 mil trabajadores agrícolas".

Esa previsión, efectivamente, eliminó las viejas reticencias de los agricultores contra cualquier reforma a la Ley de Inmigración. La Simpson-Rodino, además de hacer muy difícil el castigo a los patrones que empleen indocumentados, les garantizan, con ello, la captación de mano de obra barata para sus campos agrícolas.

Y la segunda razón, dijo Baca, es política. "Esta sociedad sabe que para el año 2000 la mayoría de la población de los estados como California y el sudoeste (la frontera con México), va a ser de ascendencia mexicana", dijo.

QUIEREN GENTE SIN DERECHOS

"Por eso quieren asegurar que esta población no va a cambiar el statu quo. Los dejarán sin representatividad política, pero sujetos los poderosos patrones que manipularán la mano de obra. En eso va a haber gran discriminación. Quieren gente sin derechos".

Y por eso mismo, subrayó, lo que le suceda al trabajador indocumentado le va a suceder a veinte millones de chicanos y latinos en Estados Unidos.

"Va a tener, y ya tiene impacto en esas comunidades", indicó Baca. "Las comunidades, preocupadas, se están fragmentando. Y histeria toca a todos".

Pero cuando habla de "todos", se refiere fundamentalmente a los mexicanos y sus descendientes. "Dicen que es una reforma de inmigración —añadió—, pero entonces, ¿por qué no proponen lo mismo en la frontera con Canadá?, ¿por qué no en Nueva York, donde entra la mayoría de los europeos?"

En realidad, y de acuerdo con las propias estadísticas del SIN, ni la enorme afluencia de centroamericanos en los últimos años logró desplazar a los mexicanos como una fuerza altamente mayoritaria en los flujos migratorios. En 1986 recordó Baca, el SIN realizó un millón 750,000 aprehensiones, de las cuales se admitió que 95 por ciento tenían origen mexicano. Seis años antes, con una cifra similar, el porcentaje era apenas de 48 por ciento.

Frente a México, destacó "es una acción unilateral por parte de Estados Unidos".

"¿Dónde está la voz del gobierno mexicano?", se preguntó. "¿Quién va a proteger los derechos de los mexicanos?"

"Lo que nosotros queremos —subrayó aún más— es una negociación binacional, bilateral de Estados Unidos con los países que exportan trabajadores. Estados Unidos no puede escapar de sus responsabilidades y tiene que discutir por la crisis económicas y política que ha producido".

Controversy flourishes over elusive border wall

Richard Louv

THE CAR WAS going forward but Harold Ezell was in reverse.

"Fortify the border? I never said that." Ezell, western regional INS commissioner, was speaking, with characteristic flair, on his car phone from somewhere in Southern California. "I don't know," he added, "where all this talk of fortification came from."

Where it came from was, in fact, a Feb. 11 Kiwanis Club luncheon at which Ezell revealed that the INS and the Army Corps of Engineers were working on a joint study of how to stop illegal crossings at the border — with concrete barricades and other security devices. At the San Diego luncheon, he would not rule out the building of a solid wall — though he added that he was "not saying that's the answer."

Ezell, a hard-driving and loquacious man, now calls the account "totally misleading, especially the use of the word 'fortify.'"

Yet, even the mention of a wall raised hackles on both sides of the border — and within the INS as well.

"We asked Harold to consider the international implications of statements like that," said one highly placed INS official Thursday, "but he's very good at getting headlines."

Ezell's announcement also came as a revelation to the U.S. Army Corps of Engineers.

"I'm still trying to track that thing down," said corps spokesman Larry Hawthorne. "So far it seems to be eminating only from Ezell."

And how does the Border Patrol feel about all this fortification talk?

"The fact is the whole thing has kind of gotten out of hand," said Ron Dowdy, the Border Patrol's assistant regional commissioner and the man in charge of the study in question. Dowdy said the so-called study was never a study, but merely a wish list submitted two weeks ago to the INS office in Washington, D.C.

"Under the new Simpson-Mazzoli immigration legislation, there is some extra money for repair, replacement and upgrading of border technology," he said. "This is just a recommended list of things we'd like to study."

The recommendations will probably be released March 13.

This wish list, said Dowdy, will probably include additional electronic sensors, patching up the holes in the existing fence, plus the use of strategically placed concrete barriers and the application of low-light television surveillance technology now being experimented with in Yuma.

There will be, said Dowdy, "no surprises in the report. We're not talking about a new Berlin Wall."

WHATEVER EZELL'S intentions were, his words once again raised the political issue of border fortification.

More headlines are on the way, according to Wayne Cornelius, director of the Center for U.S.-Mexican Studies at the University of California, San Diego. Cornelius says that the time is ripe for ambitious politicians to talk of border fortification "for their own gain."

He says, "During the fall elections, Sen. Pete Wilson and other politicians were talking about the possibility of some kind of military presence on the border. Public opinion polling suggests a broad constituency for border fortification."

The key to this talk is the blurring of distinction between drugs and immigrants. "It's too easy to blame immigrants for our drug problems," Cornelius adds. "But suggesting that connection makes talking about a wall seem politically legitimate."

The connection is clear enough for Harold Ezell.

"We've got to come up with some way to stop the cars that drive across the border every single day and night loaded with aliens and marijuana," he said, from his car. "We need some kind of barricade. Doesn't have to be more than two or three feet high, indestructible and non-moveable."

Rep. Duncan Hunter (R-Coronado) gives his blessing to just about anything that will stop illegal crossings.

"You can't say the word 'fortification' because people immediately envision Marines along the border with fixed bayonets," he says. "But we need something. Along with concrete barriers to keep the drug trucks from crossing at Jacumba, I'd like to establish a radar perimeter around the United States, which would take a force of 20 E-2C electronic surveillance airplanes capable of detecting airplanes bringing in "narcotics, terrorists, explosives. We only have a couple E-2C's along the Mexican border now."

Ezell's own wish list includes a new fence "that couldn't be penetrated by anyone with a pair of wire cutters."

The commissioner also would like to see "some very generous setbacks along the international border. San Diego has got to plan for the future. In Texas, it's hard to distinguish where the city of El Paso and the Mexican city of Juarez stop and start. Anyone can slip through.

"In the original planning of Treaty of Guadalupe (1848) there should have been 200 or 300 feet of no-man's land on each side."

Are there such setbacks on the Canadian border?

"You got me," said Ezell.

A check later revealed that the U.S.-Canadian border has no such setbacks.

IN FACT, NOT very much is known about border fortification, at least among the responsible agencies.

Surely, it would seem, someone has given serious thought to how the border could be fortified, if that were ever needed, or at least sealed more tightly. But Dowdy, in charge of the Border Patrol's western region security recommendations, says he is unfamiliar with any major study on this subject by any government or academic institution.

He says, "I don't know why that is."

Ezell isn't aware of any study either — nor, for that matter, are Rep. Hunter, or Hawthorne of the Army Corps of Engineers, or UCSD's Cornelius.

Cornelius doubts that fortification would even work: He imagines immigrants tunneling beneath concrete barriers, or shifting to desert routes, or coming in "boats, just as they did during Prohibition when there were smugglers' coves up and down the Pacific Coast."

The reason a major border fortification study has not been done, Cornelius contends, is because no one really believes a wall would work.

In the meantime, the notion makes good fodder for politicians and government officials seeking headlines.

And the lack of any real knowledge — the failure to take the whole thing seriously — opens the door, from time to time, to some peculiar notions.

During the Carter administration, for instance, the INS suggested a razor-sharp steel fence that would slice the fingers and toes of crossing immigrants. And last week, an upper-level San Diego Border Patrol official told me that he had suggested building a canal along the border, a sort of moat.

"But then I realized," he said, "that the water would have to go up and down hills."

The U.S. Army Corps of Engineers was not consulted.

La Prensa
3/13/87

Border Report

San Diego Union Blasted By Mexico's Politicians

By Ricardo Castillo

An unprecedented move was made last Tuesday by a political group dependent on the Institutional Revolutionary Party (PRI). The "Lazaro Cardenas" political organization asked Mexico's Consul in San Diego to call several San Diego Union reporters for a cross-questioning session in which the politicians will ask where they get their "libelous" information on Mexico and Mexican officials? They want to know why they have scorned and attacked Mexico for years. The Consul will ask the editors to attend the meeting at the Consulate soon. Needless to say, as in the recent case in which the Union editors went into hiding after they published a cartoon slanderous to teachers, they probably will refuse to attend. But from now on, the political group promised to keep an eye on the newspaper. "We've had enough," hollered an angry Mexican politician.

LA Prensa
3/13/87

Conference On Immigration Reform At SDSU

How will the Immigration Reform and Control Act of 1986 affect employers? Will it affect their costs of doing business? What will it do to their hiring practices?

San Diego State University's Institute for Regional Studies of the Californias (IRSC) announces a major conference on "The New Immigration Law And Its Impact On Employers" on Thursday, April 16. It is cosponsored by the City of San Diego's Department of Binational Affairs and SDSU"s College of Extended Studies.

The new regulations, scheduled to be issued on Thursday, March 5, and take effect on June 1, call for federal sanctions and possible fines and criminal penalties on employers who do not verify the immigration status of new hires or who knowingly hire undocumented workers.

"All employers, even those who do not hire undocumented workers, will find the new law will have an impact on their hiring and selection practices," said Dr. Joseph Nalvèn, IRSC associate direcor and director of the conference. Nalven, who has been called to testify before both Congressional and State committees on the labor market impacts of undocumented workers, is the author of a number of nationally recognized studies in the field.

The one-day conference will be held in the university's Aztec Center, Montezuma Hall, from 8:30 a.m.-4 p.m. Since classes will not be in session, ample free parking will be available.

The fee of $95 includes background materials, luncheon and break refreshments.

For information, call Charlotte Fajardo, SDSU College of Extended Studies, 265-6190.

Que locura. . . Este Indio actually viewed one big **pendejo Migra** jump out of his van in the middle of downtown San Diego and chase a "suspicious" looking Mexican through traffic lanes causing screeching brakes and many an angry shake of the fist for near accidents he nearly caused. The fool was so slow he couldn't catch the Mexican youth he was chasing!

Coyote alert: Atty. Luis Planas is issuing out phoney "green cards" to his amnesty clients. Word to the wise...that $250.00 bucks is buying you absolutly nothing! Neither Planas nor any other coyote Notarial knows one single official rule for gaining amnesty. La Migra itself doesn't know!

Y que está pasando with the city hall types at National City? Is **Mayor George Waters** taking revenge on **City Clerk Ione Campbell** for the nasty things she said during the "heated" campaign for Mayor? Come on George, you know you don't believe everything that is said during a campaign.

Pregunta: Is a birth certificate proof of American citizenship? According to **Capt Swanson,** of the "Know nothing force" **La Migra**. . . a certificate of birth is no proof. Swanson and his brilliant gate-keepers questioned a 8 year old child for hours to get him to speak English. . . this, to them, would be proof of citizenship! Where do you get these guys Mr Meese????

The New Immigration Law Discussed On Radio

Every Wednesday night, from March 18 through April 29, KPBS Radio's Spanish-language program CONTACTO 89 will feature a call-in segment on all aspects of the new immigration law.

The program will begin at 8:15 p.m. and will feature in-studio guests. The participants will be Dr. Jorge Vargas, Director of the U.S./Mexico Law Institute at University of San Diego; and Attorney Lilia Velasquez, member of the National Bar Association of Immigration Attorneys and former professor at Cal Western School of Law.

Each week, listeners will be able to call in with their questions. The phone number will be announced during the program.

CONTACTO 89 is heard each weekday from 8 to 11 p.m. on KPBS RADIO FM89.5.

2-26-87 L.A. times

Group Had Registered 10,000 Aliens

L.A. Church Center Evicted for Amnesty Work

By GEORGE RAMOS, *Times Staff Writer*

LOS ANGELES—The staff of a Roman Catholic community center in South-Central Los Angeles began moving out of its offices Wednesday because of an eviction notice issued by the owner, who said the center violated its lease by registering nearly 10,000 aliens for the federal government's amnesty program.

Sister Suzanne Snyder, director of the Holy Cross Community Center, said the eviction leaves many of the center's programs for the needy in limbo. But the registration program will continue across the street at the rectory of Holy Cross Roman Catholic Church, she said.

"I'm very distressed and disappointed by all of this," she said, as volunteers moved desks, chairs and other supplies out of the storefront offices in the 4700 block of South Main Street.

The center's volunteers, many of them Spanish-speaking, said the eviction—effective next Monday—is particularly troublesome because the owner, Margaret Allen, is a fellow parishioner of the Holy Cross Church that operates the center.

Allen, who lives near the center, refused to discuss the matter when reached by telephone.

The eviction notice comes at a time when the center has become an important asset to the area's black and growing Latino population, offering a variety of food, rent assistance and clothing programs to the needy, center officials said.

Allen sent the eviction notice Feb. 1 after warning in a letter that the center must end the registration program for illegals because her insurance could not cover the thousands showing up for help. The registration was not an acceptable activity under the terms of the 1983 rental agreement, she wrote.

"In order to avoid cancellation of my present insurance coverage, my agent has advised me to notify you that the registration process for immigrant amnesty must be discontinued . . ." Allen wrote.

"If this program is not resolved within ten days, I will have no choice but to start eviction proceedings immediately."

She wrote that the people coming to the center were "loitering in front" of the modest two-story building. On a recent visit, she said that the center's offices were in a filthy condition, "littered with trash and cigarette butts."

Snyder and Father William Jansen, Holy Cross Church's pastor, deny Allen's assertions, pointing out that the offices were regularly swept and mopped by volunteers. They also said no problems arose from the crush of illegals who came to register for amnesty under the terms of the immigration bill that became law last year.

The Holy Cross center was one of 20 initially designated by the Archdiocese of Los Angeles to help in the registration process. By registering at the centers, applicants are given an appointment to begin the legalization process that officially begins May 5 and can lead to legal residence.

The law grants legal status to aliens who can prove that they have lived continuously in the United States since before Jan. 1, 1982.

Archdiocese officials sought solutions that would allow the Holy Cross center to remain where it is, but were unsuccessful. Allen rebuffed a church offer to buy the aging building that houses the center, Jansen said.

Center officials said they would not let the eviction notice impede their programs.

"We can't let a building owner determine what kind of programs we can offer," Snyder said. "We're here for the people."

Archbishop Roger M. Mahony told Jansen that he is sympathetic to the community center's plight, but church officials are unsure how the center's programs and services will be continued in coming weeks. Jansen said the center may be put into rented portable trailers and placed on Holy Cross Church property across Main Street from the Allen building.

L.A. Times

Panel to Pursue Rip-Off Artists in Amnesty Program

By JOHN KENDALL, *Times Staff Writer*

A joint-agency task force promised Wednesday to vigorously pursue Los Angeles-area rip-off artists who may try to exploit hundreds of thousands of illegal aliens expected to seek amnesty under the new federal immigration law.

Members of the Immigration and Amnesty Task Force, composed of representatives of city, county, state and federal agencies, met for the first time in an organizing session, then discussed the group's anticipated role.

"We feel that there is a great need for this type of watchdog unit," City Atty. James K. Hahn told a press conference. "We are organizing now to protect those vulnerable people from rip-off artists out to exploit them." An estimated 400,000 to a million people in Los Angeles County are expected to begin registering for amnesty May 5, he said.

The task force, Hahn said, will take a "close, hard look" at individuals and firms in three areas: attorneys; immigration and nationality law specialists and notaries public, and INS-certified immigration consultants. He said officials will look for false and misleading advertising; illegal and exorbitant fees; improper splitting of attorney fees; practicing law without a license; grand theft, and unfair business practices.

California's estimated 140,000 notaries public are of particular interest, according to Hahn, because in Mexico a *notario publico* is a state official with qualifications far exceeding U.S. notaries.

"Consequently, there is a great potential for undocumented immigrants from Mexico to put more trust than they should in American notaries public—particularly those out to make a quick buck in return for unqualified advice and services that may even jeopardize legitimate amnesty applications," he said.

The task force will be composed of representatives of the Immigration and Naturalization Service, the state attorney general's office, the U.S. attorney, the Los Angeles County Department of Consumer Affairs, the Los Angeles Police Department and the state and county Bar associations. It will be coordinated by Deputy City Atty. Sue Frauens, head of the city attorney's Consumer Protection Unit.

Amnesty: Aliens given tips on new law

Continued from B-1

tation, and intends to try to explain the law to law colleagues, government officials and others across the border in Mexico.

He made the announcement yesterday as the institute, in conjunction with the Baja California State Bar Association, held its first Tijuana public forum on the law, which was passed in November in the final hours of the 99th Congress. Yesterday's panel included Tijuana and San Diego lawyers, a Tijuana judge, an INS representative and the U.S. consul-general in Tijuana, Robert Emmons.

The long-awaited bill grants amnesty to otherwise law-abiding undocumented migrants who entered the United States before 1982 and who are still living here. Yesterday's session drew about 50 lawyers, professors, students, journalists and residents who came to listen to detailed explanations of the law and to ask detailed questions.

Arnold Flores, supervisor of special agents for the INS in San Diego, offered some specific tips to aliens seeking to legalize their residency. Among them:

- If your goal is to become a permanent resident, it's wise to begin reading English-language magazines and books and start turning your dial to English radio and television stations.

"There are people who have very good cases but don't know English," said a San Diego attorney, Lilia Velasquez. "Start taking courses now. It's important not to wait until 1989 or 1990 (when permanent resident alien applications will be taken from temporary resident aliens) to learn it."

- Don't contact the INS yet, since applications will not be taken until May. Applications will be confidential; find out how to contact a local group, church, organization or lawyer for information.
- Save all documents that prove residency or employment. School and medical records and rent, gas and electricity receipts can be helpful. Never use false documents, because all documents will be carefully inspected and fraud can result in fines, prison or deportation.

"It isn't worth it" to try to cheat, Velasquez said.

- Traditionally, anyone without documents who has worked for many years in the United States may be considered by the INS to have permanent residence. Flores said those who have been in the United States before 1982 and who qualify should use this "more advantageous" route, since it's faster than legalization under the new law.

Others stressed the importance of not having been on public assistance — and of being the kind of person who seems to have a gainful future. Vargas told of recently addressing a group at the Chicano Federation and how some gardeners, dishwashers and domestics came up to him afterward to say they didn't know English, didn't have documents to prove residency, but had references from their employers — and wondered what their chances were.

"It will be very difficult for them (to achieve) legalization," Vargas said. He later articulated the panel's consensus: "The law is not to open the doors to people who have no possibility of progress in the United States."

Some tips are offered on new immigration law

By Joe Gandelman
Staff Writer

TIJUANA — The University of San Diego's Mexico-U.S. Law Institute has assumed a major role in explaining the new immigration law on both sides of the border.

Director Jorge Vargas said the institute is preparing a Spanish-language book explaining the law and the U.S. immigration system. The book will include a large appendix with the law's text and examples of application forms, plus addresses of Immigration and Naturalization Service offices and so-called "qualified designated entities" — organizations authorized by the INS to help prepare applications for undocumented migrants.

Vargas said the institute is working closely with more than 30 San Diego-area organizations that want to monitor the new law's implemen-

See AMNESTY on Page B-6

S.D. Union 2/22/87

Alien fee said to be put at $200

By Benjamin Shore
Copley News Service

WASHINGTON — The Immigration and Naturalization Service will propose that each adult undocumented alien pay a $200 fee to apply for legal residence under the new immigration law, administration sources said yesterday.

The regulations will also propose a maximum of $500 in application fees for a family of undocumented aliens, according to the sources.

The INS is scheduled to issue draft regulations next week for implementing the new law. Public comment will be sought before final regulations are issued in April.

The agency drew criticism from some members of Congress and aliens-rights groups last month for suggesting that the application fee likely would be between $150 and $250.

Fees are commonly charged for other immigration applications.

"Congress never intended to place the burden of the legalization program on the shoulders of undocumented aliens," said Linda Wong, associate counsel of the Mexican American Legal Defense and Educational Fund (MALDEF) in Los Angeles, yesterday.

But INS spokesman Verne Jervis, who declined to comment on reports of a $200 fee, said the immigration law authorizes the agency to charge fees sufficient to cover the costs of the legalization program.

See ALIENS on Page A-16

Aliens: INS said to put fee at $200

Continued from A-1

Jervis also said the regulations will not address the issue of whether the ineligible spouse of an eligible alien will be forced to leave the country.

Under the law, which Congress passed last October and President Reagan signed Nov. 6, undocumented aliens who can prove they established permanent homes in the United States before Jan. 1, 1982, will be eligible to apply for legalization.

A 12-month application period will begin May 5. Undocumented aliens who believe they are eligible may apply at one of the 108 special legalization centers that will be opened around the country.

Rep. Peter Rodino, D-N.J., chairman of the House Judiciary Committee, said last month that $75 per alien would be a fair legalization fee.

But INS Executive Associate Commissioner Mark Everson said in January that the agency expects up to 3.9 million undocumented aliens to apply, requiring the INS to hire and train hundreds of individuals to staff legalization centers that will be separate from existing INS offices.

Administration sources yesterday also said the draft regulations will propose that any undocumented alien who left the United States for more than 45 days in any year between 1982 and 1987, or for a total of 180 days, be ineligible for legalization.

The law says that "brief, casual and innocent" absences would not constitute a disqualifying break in the required "continuous" residence for the last five years. But Congress left it up to the INS to define the clause in its regulations.

In its preliminary draft regulations last month, the INS proposed 30 days as the limit for an annual absence, or a total of 150 days during the five-year period.

But legislators and various advocates for undocumented aliens' rights said 30 days was unrealistically short.

MALDEF's Wong said a 45-day limit still would be "too stringent."

She said the current INS definition of absence in other procedures takes into account "an individual's ties to the United States and his lack of intention to abandon his home in the U.S."

Many undocumented aliens, while still maintaining homes in the United States, have returned to their native countries for prolonged visits.

The INS will urge undocumented aliens to consult with designated voluntary agencies, such as the Catholic Church, to determine their eligibility and obtain advice on how to gather documents to prove eligibility for legalization.

The church, which will be the largest voluntary agency in the nation, has said that it, too, will charge a fee for its services to cover some of its costs.

The archdiocese of Los Angeles, where one-third of the nation's undocumented aliens are believed to reside, tentatively is planning on a $50 fee. But an archdiocese official said payment will not be required.

In addition to fees charged by the INS and voluntary agencies, and the cost of gathering certain documents, legalization applicants also will be required to undergo physical examinations at their own expense.

The examinations must be conducted by doctors certified by the Public Health Service as qualified to spot certain communicable diseases through blood tests and chest X-rays. It has been estimated by the Public Health Service that the fee for each exam would be around $50.

New border patrol chief deluged in work

By Arlene Holmes
Staff Writer

STARNEWS 2/22/87

The new chief of the San Diego Sector of the Border Patrol has taken over the reins from former chief Alan Eliason at a crucial time.

Chief Dale Cozart began work in January and already has plunged into a heavy workload. The Border Patrol is faced with implementing the new immigration reform law, coping with huge numbers of illegal alien crossings and protecting agents against assaults by antagonistic undocumented aliens and border bandits.

His predecessor Eliason, known for his forthright views and outspokeness, has moved on to coordinate the inter-agency anti-drug smuggling Operation Alliance Task Force in El Paso.

Eliason spoke in July at a meeting of the board of supervisors, opposing the 426-acre San Diego International Raceway development that abuts the border. Eliason said it would increase automobile traffic and limit Border Patrol access in areas where illegals travel.

Eliason also was quoted in local papers as opposing the San Diego Police Department's policy decision last year to stop detaining illegal aliens until the Border Patrol arrived unless the illegal alien had committed a crime.

Cozart, one month into his new job, inherited these problems and more. Cozart, 46, a 21-year veteran of the Border Patrol, was chief agent in Yuma, Ariz., for two years.

In an interview at the Chula Vista headquarters of the Border Patrol, Cozart said his priority is the Immigration Reform Act, which will impose sanctions against employers who knowingly hire illegal aliens.

The federal government continues to fine-tune the provisions of the act, which was signed into law Nov. 6. A final draft will be released this month, Cozart said. The Immigration and Naturalization Service is conducting educational seminars throughout the western region.

Undocumented aliens have been crossing the border at a rate of 1,800 per day this month, according to spokesman Wayne Kirkpatrick. The daily average in 1987 was 1,532 and the daily average in 1986 was 1,738.

Statistics show the number of illegal aliens crossing through the San Diego sector declined by 12 percent in 1986 and dropped 29 percent in the latter part of January.

However, Border Patrol agents say they still have their hands full and await the day when staff will increase.

The INS plans to increase the number of agents up to 50 percent within the next two years. Supervisors will increase in the same ratio to journeymen, Cozart said.

When asked if the increase in agents would be sufficient, Cozart said that "Fifty percent will go a long way in regaining control in conjunction with what the Congress has specified. We have been working on intensive recruitment and trying to get the message out."

Although he agreed that the entry level annual salary of $14,390 for an agent is not an attractive figure, spokesman Kirkpatrick said that the salary increases rapidly after the first year. The benefits and the chance to work in different areas of the country also entice recruits, Kirkpatrick said.

After two years, an agent makes $21,804.

"A person has to be really stable and especially dedicated to be an agent," Cozart said. "The immigration laws themselves are complex and a person has to be oriented to doing the job."

The attrition level for agents is high, Cozart said. The agency maintains a program for agents to cope with stress and a pyschologist is available when requested.

The stress level is not the only factor contributing to a high attrition level. Agents have decried the absence of state-of-the-art equipment and criticized the Border Patrol for a tendency to neglect maintenance of vehicle and communications equipment.

"Any agency could use more equipment," Cozart said. "Our equipment and vehicles are in relatively good shape. We've got more than we've ever had. There are no real large areas of concern."

Agents also have criticized cramped conditions at the station at the San Ysidro border crossing and the postponement of construction on a long-awaited new station. Groundbreaking was held Dec. 19 for the new station at Imperial Beach.

"We made every effort we could," Cozart said. "It serves no purpose to try to address whether something should have been done quicker."

He also said that the Border Patrol has been doing everything it can to stem the assaults against agents, who have been pelted with large rocks and debris at the border. When asked what more could be done to prevent assaults, Cozart repeated that the Border Patrol is doing everything it can.

In fiscal year 1985, there were 90 assaults. In fiscal 1986, there were 128 assaults.

Agents recently were warned against crossing the border into Mexico, following the arrest of seven Mexican Federal Judicial Police at El Paso. The INS said that agents found in Mexico may be arrested "for any fictitious violation" in retaliation for the arrests in El Paso.

The Mexican government has been "very positive and cooperative" with the Border Patrol, Cozart said. "When there is an instance of violence they have responded in a better fashion."

Reunión de Cónsules en México

Afectará la Nueva Ley en EU a Muchos Connacionales

MEXICO, 2 de Marzo.- (EXCELSIOR).- La Ley Simpson-Rodino puede traer com efectos serios abusos, y convertir en víctimas a aquellos trabajadores mexicanos que decidan permanecer en Estados Unidos pero no puedan acogerse de los beneficios de la legislación.

El cónsul general de México en San Diego, Javier Escobar, habló hoy sobre las controversias y contratiempos que presentará la Simpson-Rodino y las dificultades de poder legalizar su permanencia temporal o permanente de gran parte de los dos millones y medio, aproximadamente, de los indocumentados que se encuentran laborando en territorio estadounidense.

Al participar en una reunión en el Distrito Federal de Cónsules Generales y dependencias federales para incrementar la protección de los mexicanos que se encuentran mas allá de su frontera, Javier Escobar señaló que la Ley Simpon-Rodino no se aplicará sino hasta

| PASA A LA PAG. 4 |

Reunión de Cónsules en...

(Viene de la Primera Página).

después de 18 meses de su aprobación -el 6 de noviembrte de 1986- por lo que tendremos que esperar para precisar las formas en que afecta negativamente a nuestros conciudadanos.

El Cónsul General de Dallas, Texas, Oliver Farnes, señaló que algunos mexicanos serán favorecidos con la ley pero que muchos otros se convertirán en víctimas de la legislación.

La reunión que se inició hoy finalizará el próximo viernes y ahí se analizarán entre otros aspectos la reglamentación de la cual algunas disposiciones aún no son muy claras.

Esto se debe a que por primera vez Estados Unidos establece sanciones tanto del orden civil como penal para los empleadores, ésto trae consigo un disuasivo para hacer nuevas contrataciones de mano de obra indocumentada.

También se establecieron los programas H-2 que implica que mucha gente que trabajó antes de enero de 1982 en Estados Unidos pueda regularizar su situación migratoria y pueda permanecer ahí con una categoría de residente temporal y que pasado un tiempo pueda cambiar su nacionalidad a residente permanente.

3-2-87

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Los Angeles Times

INS Calls for Watchdog Panel for Reform Law

By BOB SCHWARTZ, *Times Staff Writer*

ANAHEIM—Pledging that immigration offices will not become a "sting operation," the western regional commissioner of the Immigration and Naturalization Service has called for an advisory group to monitor his agency's implementation of the new immigration law.

Harold Ezell, who was appointed to his position by President Reagan in 1983, said that the group would not be "a police review board" overseeing the INS but would meet periodically to "see how [the implementation of the new law] is going, to see if there are problems. . . . We don't have all the answers ourselves."

The group, to be made up of 12 to 15 private citizens and public officials, would include critics as well as supporters of INS policies and practices, Ezell said.

"They're not all going to be pro folks who think we're wonderful," said Ezell. He named the Mexican-American Legal Defense Fund, the League of United Latin American Citizens and the Catholic Church as groups critical of the INS in the past that might be asked to send representatives to the advisory group. "They don't have to agree with me . . . as long as they're objective and they don't come in with a hidden agenda," he said.

Ezell's announcement came last week at a daylong conference in Anaheim on the new Immigration Reform and Control Act of 1986. The conference was sponsored by the INS.

The law, which became effective last November, will enable many illegal aliens who have resided in the United States continuously since Jan. 1, 1982, to obtain legal-resident status. It also imposes federal sanctions for the first time on employers who knowingly hire illegal aliens.

The INS will not begin accepting amnesty applications until May and will not issue citations to employers until June. In the meantime, the agency has been trying to make available the latest information on the new law to employers as well as to groups representing illegal aliens. Wednesday's conference was the 10th that the INS has conducted in the western region.

Ezell's announcement is in keeping with what has appeared to be a conscious effort by the INS to convince the Latino community, a large part of which has long been distrustful of the immigration agency, that it does not intend to use the new law as a way to deport more illegal aliens.

"During the Olympics, the slogan was 'L.A.'s the place,' " Ezell said. "Well, L.A.'s the place for legalization, too. The INS offices will not be a sting operation."

Among those Ezell said he will probably ask to become members of the group are former California Supreme Court Justice Cruz Reynoso and Reps. Daniel E. Lungren (R-Long Beach), Edward R. Roybal (D-Los Angeles) and Howard L. Berman (D-Panorama City).

Reynoso, a speaker at the conference, endorsed the concept and said he would be interested in becoming a member of the advisory group but may have "another role to play" in the implementation of the new law. He declined to elaborate.

One of three state Supreme Court Justices voted out of office last November, Reynoso said that he often had been critical of the INS and that he had opposed the idea of penalizing employers who hire illegal aliens.

"But now that that's the law, we have to be concerned that it's implemented in the proper spirit . . . of non-discrimination."

The Raza Coalition against Police Terrorism calls for the resignation of Police Chief Bill Kolender.

Hispanics march for Kolender's ouster

Sixty demonstrators calling for the ouster of San Diego Police Chief Bill Kolender marched in front of the new police headquarters on Broadway yesterday afternoon.

The protest was conducted without incident and was organized by the Raza Coalition against Police Terrorism, an umbrella group that brought together a number of Hispanic organizations last year. The coalition's aim is to resolve several recent cases of alleged police brutality against barrio families.

'But when you play by their rules and success depends on them, you've already lost the battle.'
— Joey Porras

"I guess I can speak because I'm an expert on police brutality," said Joey Porras, a co-director of the local chapter of the student group MEChA (Movimiento Estudiantil Chicano en Atzlan).

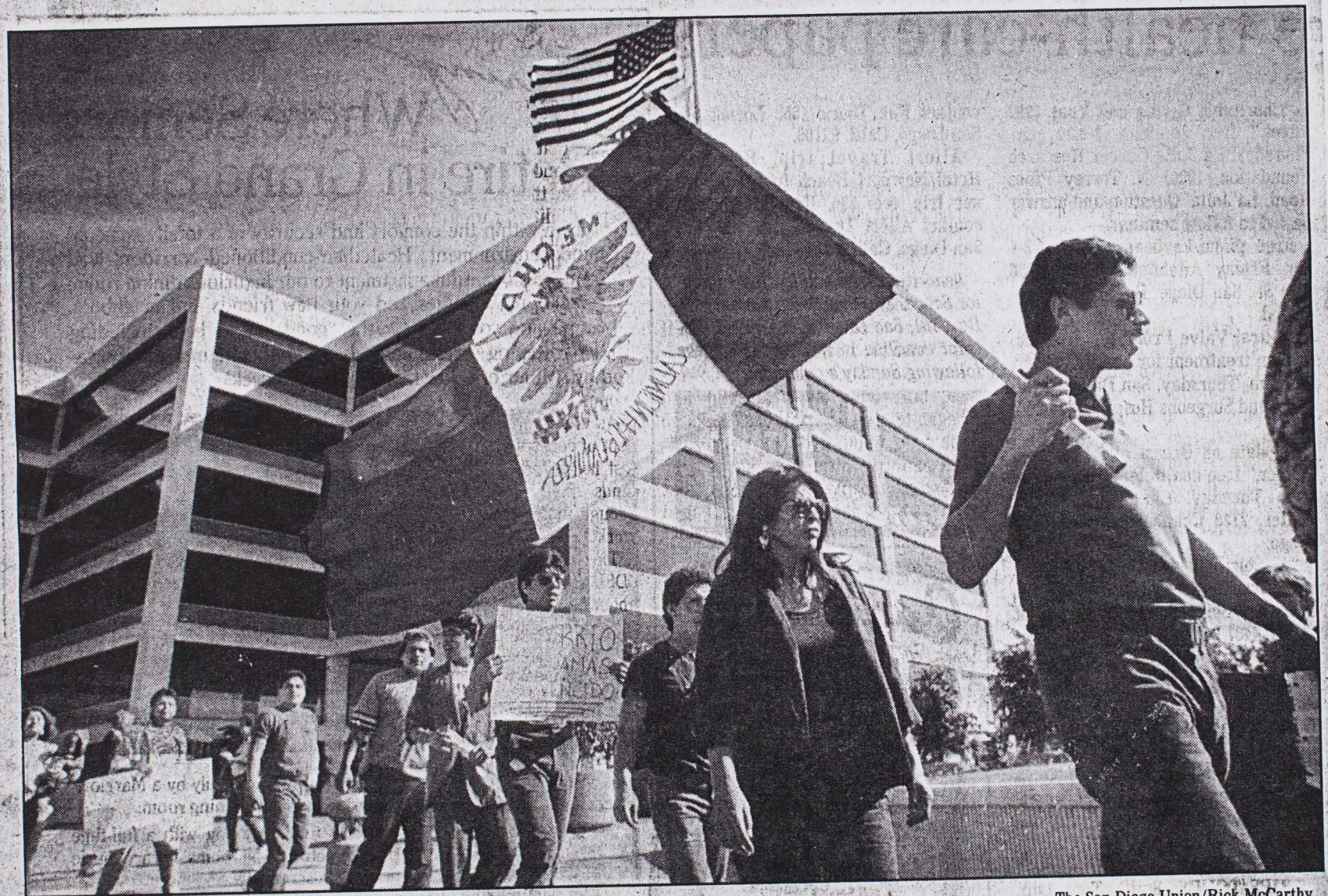
Porras said that he and two friends were "jammed" recently by police officers who, he said, mistook him for a convenience-store robber. He said he was roughed up by officers with nightsticks and has filed a complaint.

"But when you play by their rules and success depends on them, you've already lost the battle," he said.

Porras and others called for the immediate firing of Kolender, establishment of a police review board made up of community members, investigation of the District Attorney's Office for allegedly failing to prosecute police and indictment of officers.

In October about 40 members of the coalition protest-marched at police headquarters. Coalition leaders said yesterday that they would continue staging demonstrations until the police begin addressing problems in their communities.

S.D. Union 2/22/87



The San Diego Union/Rick McCarthy

Police cleared in brawl

By Lisa Petrillo, Staff Writer

San Diego police investigators yesterday cleared officers accused of using excessive force during an arrest last month in San Ysidro, although police did not interview the family members involved.

The department investigated a Feb. 8 arrest that turned into a brawl between 11 police officers and four members of the family.

The family claims police beat them and their young children with batons and flashlights, even after they were handcuffed.

Four officers and family members were injured during the Sunday night fight, which ended with the fami-

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Brawl: Department clears officers of using excessive force

Continued from B-1

ly's arrest and charges of assaulting police with deadly weapons: a police baton and a steak knife.

"We did not interview the family, because their lawyers refused to let them speak to police unless all charges were dropped," said Cmdr. Keith Enerson. He said police would not drop charges in order to get the interviews.

But family lawyers Pierre Sesser and Thomas Ulovec say they wanted police to interview some of the family, except for the four who have been charged: Rosa Mogo, 38, and three of her sons, Richard, 22, Gerrardo, 18, and their 17-year-old brother.

Other family members were in the apartment on Del Sur Boulevard during the fight, and neighbors reported seeing police beat Rosa Mogo and her sons after they were handcuffed, Sesser said.

Enerson said investigators tried to interview neighbors in the apartment during the melee but that they would not talk because the Mogos' lawyers told them not to.

In addition, a neighbor who called police that night declined to talk to investigators, Enerson said.

But Van Doren Mogo, whose husband, Richard, is charged with assaulting police and resisting arrest, said police never tried to interview any of her family or neighbors.

According to Enerson, "We came out clean on this." He said the Police Department exonerated the officers based on interviews with 15 officers, two nurses and two sheriff's deputies.

The incident began with a Sunday afternoon birthday party that neighbors of the Mogos threw for their 5-year-old daughter. It turned out to be a six-hour party with a piñata, beer drinking and loud singing. Their upstairs neighbor, Christine Magana, said it was so noisy she and her daughter could not sleep.

Magana said she went to bed at 9:30 p.m., but couldn't remember when she called police. Investigators said she called to complain about the noise at 11:05, but said only that the noise was coming from downstairs and that she didn't know which apartment it was.

Investigators say she called again at 11:37 to complain and said there was "a disturbance and arguing going on." The Mogos' apartment was clearly identified, according to investigators, and 10 minutes later two officers were sent to investigate.

By that time, the party had ended and the Mogos had gone to their apartment next door to watch TV. Rosa Mogo, who is 5 feet 1, claims she had gone to bed and that her 17-year-old son was getting ready for bed when police came to the door and a fight broke out.

At one minute before midnight, police say, Magana called again saying there was a fight and that police needed help. But Magana, in an interview, said she never called after the fighting began.

Investigators say Rosa Mogo grabbed a baton from one officer's belt and hit him at least twice in the head. The 17-year-old grabbed the baton and hit a policeman in the face, until the officer punched him in the eye to make him drop it, investigators said. Rosa Mogo came at the police with a steak knife, police said, and tried to stab one officer, but his bulletproof vest deflected the blade, they said.

The Mogo family denies using a knife or baton. And they claim police hit and bruised two of the four smaller children.

Asylum ruling favors aliens

High court rejects restrictive goal of Reagan administration

By Benjamin Shore, Copley News Service

WASHINGTON — The Supreme Court yesterday dealt a setback to Reagan administration efforts to restrict the number of Central American and other refugees receiving political asylum in the United States.

In a 6-3 ruling, the court said that Congress, in the Refugee Act of 1980, intended that asylum should be granted to those who can prove they have a "well-founded fear" of political, religious or ethnic persecution if deported to their home countries.

The ruling rejected the Reagan administration's more-stringent interpretation of the law as requiring evidence of a "clear probability" of persecution.

In the majority opinion, Justice John Paul Stevens wrote that the government "asks us to hold that the only way an applicant can demonstrate a 'well-founded fear of persecution' is to prove a 'clear probability of persecution.' The statutory language does not lend itself to this reading . . . "

"The reference to 'fear' in the (law) obviously makes the eligibility determination turn to some extent on the subjective mental state of the alien," Stevens said.

Joining Stevens in the majority were Justices William J. Brennan Jr., Thurgood Marshall, Harry A. Blackmun, Sandra Day O'Connor and Antonin Scalia.

Dissenting were Chief Justice William H. Rehnquist and Justices Lewis F. Powell Jr. and Byron R. White.

In the dissenting opinion, Powell rejected the argument that immigration judges "adopted a rigorous mathematical approach to asylum cases, requiring aliens to demonstrate an objectively quantifiable risk of persecution in their homeland that is more than 50 percent."

Furthermore, Powell wrote, "The words Congress has chosen — 'well-founded fear' — are ambiguous. They

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contemplate some objective basis without specifying a particular evidentiary threshold."

The ruling could make a significant difference for Central American refugees who have sought asylum in the United States. It could be of special importance to the estimated tens of thousands of refugees who entered the United States after January 1982.

Those who entered before that date will be eligible to apply for legal residence under the new immigration law.

The Immigration and Naturalization Service declined immediate comment.

San Francisco attorney Kip Steinberg, who represented Luz Marina Cardoza-Fonseca — a Nicaraguan who was denied asylum, leading to yesterday's ruling — said the decision is a "major step forward" for similar refugees.

INS spokesman Verne Jervis said 18,889 asylum applications were filed in fiscal 1986, which ended last Sept. 30. The government granted 3,481 of them and denied 7,882, with the rest still pending.

Of the applications, 7,111 were filed by Nicaraguans. The United States has been supporting guerrilla warfare in Nicaragua waged by the Contra rebels against the leftist Sandinista government.

The United States granted 1,082 of the Nicaraguan asylum applications and denied 2,873 in fiscal 1986. The rest are pending.

There were 2,183 applications filed in the same year by persons fleeing the civil war in El Salvador, where the United States supports the ruling government against communist insurgents. Only 55 of these applications were granted, while 1,149 were denied.

The Reagan administration has argued that most refugees from these and other countries are not fleeing persecution but instead are seeking greater economic opportunity and social stability in the United States.

Cardoza-Fonseca, 38, who lives in Nevada, entered the United States from Nicaragua in 1979 on a tourist visa. She did not return to Nicaragua when her visa expired. When the INS began deportation proceedings, she asked for political asylum.

Cardoza-Fonseca said that although she had not been politically active in Nicaragua, her brother had been tortured and imprisoned because of his anti-Sandinista activities. She and her brother fled Nicaragua together. Because of her own opposition to the Sandinistas, she said that she feared the Sandinistas would persecute her if she returned.

An immigration judge and the Board of Immigration Appeals (BIA) rejected her request, saying her fears were an insufficient reason to win asylum. Steinberg said he will petition for a new review of her case based on the Supreme Court's ruling.

In other action yesterday, the court:

● Permitted a new relaxation of the so-called exclusionary rule aimed at deterring police misconduct by barring illegally seized evidence in criminal cases.

By a 5-4 vote, the justices said evidence may be admitted when police act under a state law that subsequently is declared unconstitutional.

The ruling reinstates evidence seized by Illinois officials seeking to prosecute alleged theft of cars and auto parts in Chicago.

In a dissenting opinion, O'Connor said the ruling provides "a grace pe-

Baja California
Diario al Servicio del Pueblo
Fundado en 1947 Tijuana, B.C., Sábado 25 de Octubre de 1986 No. 13,065 PRECIO $150.00
Director General: José Luis San Vicente

ESPERANZA AL INDOCUMENTADO

Intento de Darles Trabajo en Estados Unidos, Pero Bajo el Amparo de la Ley

Por Artemisa FERNANDEZ-PINTO

Fred Ames, presidente internacional de la Asociación de ciudadanos preocupados por la Justicia de Inmigrantes, pretende aplicar indirectamente la ley H2, para lo cual abrirá en las ciudades fronterizas de nuestro país, agencias de empleo para ilegales que deseen trabajar en Estados Unidos con un sueldo de 3.35 dólares la hora y dotación de vivienda adecuada.

H2 es un programa que permite a la mano de obra extranjera laborar legalmente en Estados Unidos con bases temporales, siempre y cuando no existan empleados norteamericanos que cubran la vacante.

Los agricultores del vecino país, están de acuerdo con este programa, ya que sostienen que efectivamente no hay quien trabaje la tierra, indicó Fred Ames una carta mandada por parte de la Agencia de Agricultores del Condado de San Diego, la cual emplea a 17 mil mexicanos anualmente, señala que aceptan el programa de H2 y están dispuestos a poner a trabajar a estos legalmente bajo las condiciones estipuladas.

El presidente de la Asociación de Ciudadanos Preocupados por la Justicia de Inmigrantes comentó que el Departamento de Inmigración consideró este programa como una buena idea, sin embargo agregó el entrevistado "no se desea mantener mucha relación con la administración pública, ya que este es un proyecto independiente, puesto que el agricultor pagará un porcentaje de impuesto tanto al gobierno estadunidense como al mexicano.

Indicó que nuestro país se beneficiará con este plan, puesto que recibirá aproximadamente un 15 por ciento del salario por pago de impuestos con el programa, aunque mencionó que aún no se establece como se otorgará este impuesto al gobierno mexicano.

Tal impuesto se pagará a cambio de poder establecer la agencia de empleos en las fronteras norte de México, y de recibir servicios para los ilegales antes de cruzar la frontera, de garantizar su seguridad, y de no crear problemas políticos.

La ley H2 fue aceptada hace muchos años por el gobierno americano, sin embargo, puesto que existen legisladores que tienen grupos especializados a su favor, como en este caso el de los agricultores ricos, que es uno de los más poderosos de la nación, desean continuar contratando ilegales para poder explotarlos, pues no se ha cumplido, reiteró Fred Ames.

Finalmente agregó que las autoridades de su país están enteradas de sus actividades y que de ninguna manera representa a la administración de E.U., ni al Departamento de Trabajo, que su organización no es lucrativa y que en caso de que decida establecerse como negociante y trabajador se sujetará a las leyes de este país, ya que no tiene nada que ocultar y tiene pruebas de que desea hacer las cosas legalmente.

Fred Ames, presidente de una asociación que pretende documentar a los trabajadores ilegales mediante la instalación de agencias de empleos en la franja fronteriza, en los momentos que dialoga con los mismos, y en el lugar donde trataban de internarse a la Unión Americana; respondieron que preferirían hacerlo bajo las condiciones del Plan H2. (Foto Fco. Javier de Vaca).

el mexicano
GRAN DIARIO DE LA FRONTERA

Instalarán Oficina Para Atender a Indocumentados

TIJUANA.- Por considerar que el trabajo que realizan los mexicanos en campos agrícolas e industria ligera es fundamental para el desarrollo de los Estados Unidos y ante la violación y discriminación que se ejercerá con la Ley de Inmigración, para diciembre funcionará en Tijuana una oficina con el nombre de "Ciudadanos Preocupados por el Bienestar de los Trabajadores Indocumentados", que tiene como objetivo incorporar legalmente a los obreros expulsados como residentes permanentes en los sectores productivos citados.

Fred Ames, asesor jurídico del Senado de los Estados Unidos, dijo que con la implantación de las medidas derivadas de la Ley de Inmigración, se condicionará e incluso se restringirá la entrada de mexicanos al vecino país.

Dijo que la Ley de Amnistía, por la cual él peleó ante los representantes legales, pretende condicionar e incluso evitar el trabajo de mexicanos en los Estados Unidos, sin embargo con la agencia que se establezca en la frontera, específicamente en Tijuana, se evitará que la mano de obra sea desperdiciada y se incorpore en forma permanente a la actividad productiva en el sur de California.

Dijo que la agencia que se establezca en Tijuana, se ajustará a las medidas legales que observe el Gobierno Federal, señalando que el fin es altruista y se ha descartado el lucro a costas de nuestro compatriotas.

Infirió que la tramitación que realizará las oficinas ante el patrón y autoridades estadounidenses, observa de igual forma, que se garantizará el desempeño de la actividad sin presiones de ninguna índole, el pago correcto del salario, la entrega de un seguro de vida y las condiciones para que el trabajador pueda vivir con su familia en los Estados Unidos.

Dijo que el trabajo que desarrollan los mexicanos en los Estados Unidos representa para México un ingreso de más de dos mil millones de dólares.

Por lo que se refiere a los cobros que se realizan por la tramitación de credenciales permanentes, de acuerdo al programa H-2, comentó que serán simbólicos y se utilizarán para la manutención de la oficina que se instale en Tijuana.

Apuntó Fred Ames que actualmente laboran en Nueva York, en donde han ayudado a una serie de trabajadores para que legalicen su estancia en los Estados Unidos y que cuando conocieron el espíritu de la Ley de Inmigración, observaron serias deficiencias que no han sido corregidas hasta el momento.

La Asociación "Ciudadanos Preocupados por el Bienestar de los Trabajadores Indocumentados" apuntó se instalará en diciembre y sus acciones las apegará de acuerdo a los señalamientos jurídicos mexicanos, indicando que para tal efecto se están realizando las gestiones ante las autoridades competentes de nuestro país.

'Latino'—a Label Too Wide and Too Narrow for Reality

1/9/87 L.A. Times

By RICHARD RODRIGUEZ

America's uncertain border with Mexico was big news last year. Latino-Americans were consequently prominent in the public imagination, no longer "America's forgotten minority." To some Americans now, we doubtlessly seem a threat, a monolith—the youngest, "most fertile" group in America. And growing. The question mark on the political horizon.

Yet what America will increasingly find out about Latinos is that we are individuals, not of one mind, one soul.

In recent years Latinos have gained prominence, but it has been a prominence based on stereotypes amounting to little more than a caricature. Ask most Americans to describe a Latino, and most Americans will probably come up with something like this: Latinos are Spanish-speaking. And most Latinos are immigrants. And, yes, of course, Latinos are brown, a racial minority.

These simple-minded generalities result in part from the way Latinos have politically represented themselves. The political ascendancy of Latinos in the last two decades has followed the lead of the black civil-rights movement. Latinos got defined by analogy to blacks. In the late 1960s Latinos charged America with racism. The solutions proposed were based on a racial critique. In the era of affirmative action Latinos thus joined blacks as America's "other minority," the partner race.

There was one problem, however. And that is simply that there is no such thing as a Latino race. Latinos constitute an ethnic group, not a racial group.

There are "pure" white Latinos just as there are Asian Latinos and sizable numbers of black Latinos. And, of course, Indian Latinos. Most Latinos in the United States, which is to say most Mexican-Americans, are of mixed race, *mestizo*. We carry the blood of the Spaniard and the Indian both. It is for this reason that among several children in single Mexican-American families one often sees a variety of skin colors and facial features. This is also why "racial discrimination" has never fallen evenly on all Latinos.

The reforms of the '60s, as they apply to Latinos, were fatally flawed—comically flawed at times. A friend of mine—he of Spanish father and Swiss mother, he of blue eyes and blond hair—applied to an Ivy League graduate school. He was quickly accepted, greeted as a "minority" student because he had the requisite surname.

Demographers, the secular prophets of our bureaucratic age, persist in treating Latinos as a racial group. It is said, for example: Latinos are going to become the nation's largest minority group, outnumbering blacks by early in the next century. Or: Latinos are going to become the dominant population in this or that Southwestern state.

It is nonsense. Latinos as an ethnic group cannot logically be compared to racial groups. The next time that you see charts comparing Latinos to whites or blacks or Asians, remember the simple fact that there are Latinos in all those racial groups.

The irony is that certain Latino activists of the 1970s advanced bilingualism and biculturalism as national goals in the name of American "diversity." But those same activists admitted much less about Latino diversity. For example, we don't all speak Spanish. Yet again and again we are trivialized by the institutions that deal with us. Take, for instance, the Roman Catholic Church. In most American dioceses, if you phone the chancellery office in charge of Latino affairs the voice answering will invariably answer in Spanish. I know Latinos, some of whom are among the most disadvantaged, who stay away from such offices, who feel pushed away, because they cannot speak Spanish.

Spanish has been at the center of the Latino political agenda for the last 20 years. No issue has been more passionately espoused than bilingual education. Is it because, without Spanish, Latino politicians sense that there is little otherwise that would glue us together as a political force?

The vote for the immigration bill last fall, the first attempt at immigration reform in 35 years, signaled a new and welcome candor about Latino diversity: Five out of 11 Latino members of Congress voted with the majority. They acknowledged what polls for years have suggested: that Latinos generally are at least ambivalent about the prospect of illegal immigration.

My own suspicion is that there is too much diversity to permit a national Latino agenda. And the possibility of there being a national Latino political movement is even more doubtful. Needs remain. Urgent needs. And thus there will have to be alliances—but alliances based on commonality of interests rather than simple ethnicity. I can envision an alliance, for example, of Latino immigrant-rights groups with similar Asian groups.

The Latinos I know best, middle-class like myself, are meanwhile drifting into America. Among Latinos of the middle class there has long been a high intermarriage rate outside the group. Today some of the most prominent Latino leaders are married to non-Latinos. Their children will carry confused genealogies. We will call them, simply, American.

The longest Latino influence on America may not turn out to be political so much as social and cultural. Latinos are a society of mix and diversity. Italians became Spanish-speaking in Argentina, Chinese married Indian in Peru, brown married white in Mexico, black and brown married in the Caribbean.

The Latino blood memory is a mine. This is our richness as well as the politician's dilemma.

Richard Rodriguez, the author of "Hunger of Memory," writes for a wide range of publications and is an associate editor of Pacific News Service.

THE COMMITTEE ON CHICANO RIGHTS TODAY POUNCED THE PASSAGE OF THE SIMPSON/RODINO IMMIGRATION AS "AN ATTACK ~~ON~~ THE MOST FUNDMENTAL VALUE ~~OF~~ IN U.S. SOCIETY .... DEMOCRACY". ACCORDING TO CCR CHAIRPERSON BACA WITH ONE SWEEP OF THEIR LEGISLATIVE POWER THE U.S. CONGRESS HAS LEGALLY

(1) LEGISLATED "~~THE~~ SLAVERY" ~~OVER~~ AGAIN ~~UNDER~~ ~~THE~~ WITH ITS PROGRAM ~~APPROVAL~~ OF UNILATERAL IMPORTING 350,000 OR MORE MEXICAN WORKERS INTO THE U.S. UNDER AT "BRACERO" F.I. WORKER PROGRAM.

(2) LEGISLATED THE ESTABLISHMENT OF A CASTE SYSTEM UNDER IT'S FALSE AMNESTY PROGRAM & FOR THE TIME IN THIS NATIONS HISTORY HAS LEGIMAT THE PRINCIPAL OF "TAXATION WITHOUT REPRESENTATION".

(3) LEGISLATED THE GENISIS OF A SOUTH AFRICAN APARTHEID SYSTEM FOR THIS NATIONS 20 MILLION CHICANOS & LATINOS. UNDER IT'S EMPLOYER

BACA ~~DENOUNCED~~ LABELED THE PASSAGE OF THE S/R

The Committee On Chicano Rights has been on the forefront of the Immigration Issue since 1968. In that time, they have compiled an impressive track record in defining, understanding and educating the public on the implications of so call "immigration" legislation. Herman Baca, the chairman of the organization since its inception, has through his efforts gained a national reputation in the field of immigration and how it affects Americans of Mexican descent and how it impacts on the Mexican Undocumented worker.

Mr. Baca was questioned by the Board of Editors of La Prensa on his perceptions on the recently passed Simpson -Rodina Bill.

L/P/ What is your opinion of the recently passed Simpson-Rodino /Bill/?/ immigration Bill ?

B- It is a labor legislation posing as immigration reform. It is a uni-lateral approach to a bi-leteral bi-national issue. The legislation will not abate, slow down or stop the flow of undocumented workers or political refugees.

L/p- Why will it not stop the flow of the undocumented?

B- Nothing has been done about the root causes of why persons flee their native lands. The economic rape of the economic systems of Mexico and other latin American countries by Americas trans-national corporations with the corporation of the host countries Right Wing Industrial olirchys is the root cause of workers fleeing. The political refugees because of this country's support of oppressive Right Wing rulers.

L/P- Why do you call Simpson-Rodino /Bill/ a labor bill?

B- Because of the 350,000 or more Mexican workers that are authorized to be imported into the U.S. economy. This is a massive contriction in light of the statements by U.S. Politicians and the INS that this legislation will stop and control the influx of undocumented workers.

L/P for whom are these 350,000 workers destined for?

B- Principly for the secondary labor sector of the U.S. economy i.e. Agri-business, hotels, motels, resturants, garnment industry etc.

L/p The Bill, it is said , provides a generous amnesty program for illegal aliens.

B- It is a/dangerous false and concept to U.S. Democracy. Their is no amnesty. The new law states that aliens who have resided continously in the U.S. since Jan. 1982 will be eligble for this so call amnesty. The key word is ~~xxxxxxx~~ ~~xxxxxxxx~~ residence & continhouse proof y. If I have been here as an undocumented for the past 4 years, I have literally tried for 4 years to prove I wasn't here, so how will I have proof? Now the government wants me to prove that I have been here continously for 4 years.

L/P What constitutes proof to satisfy this requirement?

B- ~~xxxxxxx~~ Basicely, what ever the INS will accept, maybe rent receipts, gas and light receipts, income tax receipts , perhaps an affidivate, from your employer, who knows?

L/P What in your opinion constitutes "continous residency"?

B- No one knows, but I do know that most of the workers are here for a period of 4 - 6 months they they return home to be with their familes. So what constitutues continous residency? I would say once again what ever the INS wants.

~~xxxx~~ The question ~~xxx~~ before us the "who" is the pe son(s) who are going to determine ~~xx~~ proof or continous residence? The most ~~xxxxxx~~ corrupt incompetent and racist agency in the entire U.S. , the Immigration and Naturalization Service, the same leporard with the same old spots.

Further, let us not forget that this same agency which is going to be charged with processing these new claims for citizenship are currently just bearly begining to process requests that were filed in 1977 , a nine year backlog of requests!! At this rate no one will get amnesty until the 21st centry!

L/P -Neverhthe less, there appears to be rash of/immigration centers , and "immigration councilors who are springing up to assist the undocumented achieve his "proof " of residency.

B- The primary movitation appears to be greed ...the doller sign. The expection is that they will get a hefty fee for assisting the undocumented. My question is , how many of these agencies will become a part of the INS sting operation for 30 pieces of silver?

L/P Are you implying that these immigration centers will function to create lists of undocumented to turn over to the INS ?

B- The potential is great as was demonstrated inthe 50's. And/ with the INS

B. The potential is great in them working with the INS as was demonstrated inthe 50's "Operation Wetback".

L/P Are you against Amnesty?

B- I am against "false amnesty" as in the Simpson Rodino Bill. I am for real and true amnesty. Amnesty that will be given on the bases of a worker establishing legal residency by demonstrating a status as wage earner and tax payer.

L/P Why do you consider the Simpson Rodino Bill as dangerous?

B- Workers will be required to pay taxes but will be denied the benefits and political representation that their taxes pay for. In another words we are condifying the principal of "taxation without representatio Further, the Bill destroys the historical of family re-unification.

L/P "hat further actions or activities do you plan?

B- We will continue to educate, politize and organize against this type of legislation.

"(Mr. Baca is in consultation with other top Chicano leaders in the Nation to further determine what action will be taken on this issue)

PRESIDENT SIGNS SIMPSON*-RODINO
IMMIGRATION BILL.

A dark dark day for U.S. Democracy

by; daniel l. munoz

San Diego, Ca. ...Ronald [redacted] Reagan signed the Simpson Rodino immigrati[redacted] legislation into law today (Thursday). After more than 17 years of attempting to create a bill which would deal with the problems of illegal immigration, the 99th Congress finally forged a compromise Bill in the waning days [redacted] of October 1986.

The Bill which is a compromise [redacted] which made no one happy and essentially caters to the needs of Agri-Business and to the Secondary labor market. It carries within it Employer sanctions, Amnesty, [redacted] and a [redacted] foreign [redacted] worker importation program. The [redacted] Simpson Rodino Bill passed the Democratic controlled house 238 to 173. It passed the [redacted] Republican controlled Senate by 63-24. Voting with the majority to approve were California Representative Estaban Torres(D), Bill Richarson Lopez (D), New Mexico, Salomon Ortiz (D) and Alberto Bustamente (both Democrats), from Texas.

Reaction to the passage of the Simpson-Rodino Bill has drawn [redacted] strong reaction [redacted] from Chicano Civil Rights organizations who have been fighting to stop such a passage because of its implications for the Civil and Constitution Rights of American citizens of Mexican descent in this country.

"Its a dark, dark day for U.S. Democracy and especially for this nations 20 million Chicanos and Latinos," stated Herman Baca, chairman of the Committee on Chicano Rights, a National City based Rights organization. " With one stroke of their legislative power, the members of Congress and the U.S. President have codified that every U.S. citizen of Mexican ancestry will now pay the prize for the manipulation of the immigration [redacted] issue by the vested economic interests of this country. The loss for the [redacted] Mexican American community is their constitutional and Civil Rights," said Baca.

" Mexican Americans and other Latinos are going to pay the price at the job market, the streets, and even their homes. What has been passed is not employer sanctions but sanctions against every [redacted] of Mexican

ancestry . We will suffer on the job market because we are now going to be discriminated against because the employer will be fearfull of hiring any person of Mexican ancestry, What the Congress has passed is a law that now places in the hands of the employers the means by which to discriminate against persons of Mexican Ancestry and circumvate the laws of this land on affirmative action, and discrimination.," Equal opportunity is now a thing of the past. " said Baca

Baca further pointed out that the 20 million Chicanos-Latinos have not only the INS/Border Patrol to be concerned about, but that the new law now makes it encumbent upon Latinos to prove who you are to anyone on the street. The law has made a defecto border patrol man of every housewife, employer, law enforcement agents, and racist in the society. " No other member of the society has to prove their citizenship, " he said.

" Our homes are no longer our castles. The Border Patrol or the INS can break into them under the pretext that their may be illegal aliens there in all without a warrant , probably cause or any of the other incieties guaranteed to all other citizens under the 4th amendment of the U.S. Constitution. Our homes, churches, schools, club houses, place of employment are no longer secure from the INS/Border Patrol the new law makes no distinctions. We wonder what other ethnic group is next?" said Baca.

" I see this bill as accelerating the fragmentation and polarization of American society and laying the foundation for racial violence, concluded Baca.

(1) THE U.S. ~~House of Reps~~ congress STANDS CONDEMN OF ~~CREATING A~~ LEGALIZING ~~SLAVE~~ ONCE AGAIN LEGALIZING SLAVERY IN THE U.S.

(2) THIS COUNTRY BY LEGALIZING THE SLAVE BREEDER IS MANIFESTING TO THE ENTIRE WORLD THAT IT IS NO BETTER ~~OR~~ & MUCH WORSE THAN SO. AFRICA

(3) THIS LEGISLATION SIGNALS THE GENIS OF A SO. AFRICAN APARTHEID SYTEM FOR THIS NATION 20 CHICANO & LATINOS

(4) A HYPOTHICAL ACTION BY THE U.S. CONGRESS THAT SHOULD PROVE TO THE AMERICAN PUBLIC ~~THAT~~ THE ~~DISCUSSION~~ S/R LEGISLATION HAS NEVER HAD ANYTHING TO DO WITH IMMIGRATION, ~~THE MEXICA~~

Herman Baca

OPEN ADMISSION BY THE U.S. ~~99~~ GOV.

THAT THAT ~~THE SOCIETY~~ AMER.

THE MEXICAN WORKER

IS INTEGRAL WORKER

PART OF ~~AMER.~~ AMER. SOCIETY

& THAT U.S. SOCIETY

CANNOT EXIST WITHOUT

THERE LABOR

ADMISSION BY THE

U.S. CONGRES CANNOT

EXIST WITHOUT

THE MEXICAN LABOR &

ATTACK ON THE

MOST FUNDMENT CULTURAL

VALUE ~~POLITICAL~~ IN U.S. SOCIETY

DEMOCRACY

350,000 CELLS

90 - OVER LAST 3 YEAR

1-YR - LEGAL TEMPORY

(1) ~~LAST~~ LAST YEAR

(2) 90 DAY

2 - ADDITIONAL

2-YR -

(3) 3 YEAR 90

148

9:22

(5) ~~[illegible]~~ THE MEGA BUCKS OF AGRIBUSINESS HAS BOUGHT THE U.S. CONGRESS

(6) THE ACTION WILL FURTHER DETOR. RELATIONS WITH MEXICO UN-LATERAL LEG. OF IMPORTING 350,000 OR MORE MEX. NATIONALS
IT IS AN ~~INSULT & A SLAP IN THE FACE~~ AFFRONT TO THE SOV. OF THE MEXICAN PEOPLE. & SO AMERICA

(7) THE LEG. WILL NOT ABATED THE UNDOC. ~~FLOW OF~~ FLOW OF MEX WORKERS
INTO THE U.S.

(8) THE SIZE BRACERO WILL IT ~~WILL~~ IN FACT CONDEMNS THE AMERICAN WORKING FORCE TO LOW WAGE, DETR OF WORKING CONDITIONS, & THE DESTRUCTION OF COLLECTIVE OF UNION PROTECTION

(9) LASTLY THE DEM. PARTY WHICH CONTROL THE HOUSE OF REP. & HAS ENGINEERED WILL BE HELD RESP. BY THIS NATIONS 20M. C/D LAT COME NOV.

Herman Baca

A V I S O U R G E N T E A L A C O M U N I D A D

EL CENTRO PADRE HIDALGO, Departamento de Pastoral Hispana de la Diócesis de San Diego, adhiere a la siguiente RECOMENDACION del Servicio Católico Arquidiocesano de San Francisco,Ca.,la cual fué respaldada también por "RECOSS"(=Region Eleven Commission Of Spanish Speaking),en su última reunión, y que dice así :

"PONEMOS EN CONOCIMIENTO DE NUESTRAS COMUNIDADES DONDE HAYA INMIGRANTES Y REFUGIADOS, que el Congreso de Los Estados Unidos aprobó una NUEVA LEY DE INMIGRACION,conocida como la "Simpson-Rodino",la cual trae graves consecuencias y unos pocos beneficios para nuestra comunidad.Por ello, les RECOMENDAMOS antetodo lo siguiente:

1 - NO SE PRESENTE USTED A LAS AUTORIDADES DE INMIGRACION BUSCANDO "AMNISTIA".--NO HAY GARANTIAS,Y PUEDE RESULTAR DEPORTADO.

2 - NO FIRME NINGUN CONTRATO PARA SERVICIOS LEGALES,SIN CONSULTAR CON UNA AGENCIA COMUNITARIA DE CONFIANZA,COMO "EL CENTRO DE ASUNTOS MIGRATORIOS" -- CUIDADO,HAY MUCHOS QUE QUIEREN APROVECHARSE DE UD.

3 - SI AL SOLICITAR UN TRABAJO USTED ES VICTIMA DE DISCRIMINACION SOLO POR SU ASPECTO LATINO,DENÚNCIELO A NUESTRAS OFICINAS.

LAS CONSECUENCIAS DE LA NUEVA LEY

SANCIONES A PATRONOS: La Ley prohibe emplear "extranjeros ilegales". A los patronos se les impondrá una multa entre $ 250 y $ 10,000 por cada indocumentado que empleen,y hasta una pena criminal de 6 meses de prisión. Todavía no se sabe qué tipo de documentos tendrá úno que presentar para obtener empleo.

Como podemos ver,las multas a los patronos son tan altas, que estos comenzarán a despedir de sus trabajos a los extranjeros,y el desempleo en nuestra comunidad crecerá tremendamente,haciendo más difícil sobrevivir en este país. Bastará la apariencia latina para que los patronos nos discriminen y nos nieguen trabajo por no correr riesgo de multas y encarcelamientos.

LEGALIZACION O AMNISTIA: Los extranjeros "ilegales" que entraron a los Estados Unidos antes del lo.de enero de 1982,y han permanecido continuamente(con pocas excepciones)en este país desde entonces,podrán solicitar "residencia temporal",a partir de una fecha aún desconocida. Tampoco se sabe qué tipo de pruebas(de esa entrada y permanencia) deberán presentarse;hasta que se anuncien las reglas de implementación de la ley,dentro de algunos meses. Se cree que serán comprobantes de empleo,talones de pago,de "income-tax",etc. Hay muchas excepciones y condiciones programadas en esta legislación. También hay multas y penas graves por el uso de información o documentación falsas.

ANTES DE CUALQUIER ACCION QUE PODRIA CONDUCIR A SU DEPORTACION, CONSULTE A UNA AGENCIA O ABOGADO DE SU CONFIANZA.

"EL CENTRO ECUMENICO DE ASUNTOS MIGRATORIOS", 815-3rd.Ave.Suite 210, Chula Vista,CA.92010.Tf.426-6620, LO ATENDERA GUSTOSO.


MOORE—BLACK STAR

Farmworkers bringing in the grapes in California's Napa Valley

Harvest of Confusion

The new immigration law promises headaches and hassles

In San Ysidro, Calif., across from Tijuana, newly minted "immigration counselors" offer to help illegal aliens become bona fide U.S. citizens—for a fee. In the Los Angeles area, the Roman Catholic Church plans to set up a dozen new alien-legalization centers. In New York City, Haitian immigrant leaders are huddling with their lawyers. Nationwide, telephones at offices of the Immigration and Naturalization Service (INS) are ringing off the hook.

The focus of all this activity is a new immigration law passed two weeks ago in Congress's hectic final session. The first major revision of the nation's immigration policy in 20 years, the bill will have a profound impact on millions of illegal immigrants in the U.S. as well as on their employers. Yet there is widespread confusion over how the bill will be put into effect. Essentially, says one immigration attorney, the law "is nothing more than enabling legislation." Says another: "We have a bill, but the mechanics—the rules and regulations—have yet to be issued."

The bill contains several controversial sections. One provides amnesty and legal status for illegal aliens who can prove they have been living continuously in the U.S. since before Jan. 1, 1982. Another provision grants amnesty to agricultural workers who were employed for 90 days in the twelve-month period preceding May 1, 1986. That is a concession to Western and Southern farmers, who want a dependable supply of migrant farmworkers. A third section makes it illegal for all U.S. employers, individuals as well as corporations, to hire illegal aliens knowingly. Penalties are stiff, ranging from $250 to $10,000 for each alien on the payroll.

No one is even certain of the number of people who could be affected by the new law. One INS official estimates that 1 million aliens could qualify for citizenship. Others guess that some 3 million of the 5 million or more illegal aliens living in the U.S. could apply for legal status. The law, says Archbishop Roger Mahony of Los Angeles, will have a "significant impact upon that large 'shadow society' of people who have lived among us for many years without the benefit of fully participating in the American community."

The need to document the duration of their stay in the U.S. puts illegal aliens who hope for amnesty in a peculiar bind. Until now, many of them have lived in fear of being identified and deported. Now aliens eligible for amnesty must come up with all the documentation they have tried for so long to escape: tax, rent, heating and telephone bills, pay slips, W-2 forms. "These people live an invisible life. They deal on a cash basis," says Mario Moreno of the Mexican American Legal Defense and Educational Fund. "They don't arrive here and run out and get an American Express card. I'd be hard pressed myself to come up with documents going back five years." Says Michael Hooper, executive director of the National Coalition for Haitian Refugees: "The bill exposes to enforcement not just people who arrived after the cutoff date but many others who arrived before it and who simply will not be able to prove that fact."

Passage of the law is expected to cause a surge in the production of false documents. Everything from fake receipts and driver's licenses to false passports, birth certificates and tax forms have begun to flood the underground market. In San Ysidro, the going price for a Social Security card is $100, and a birth certificate costs $500. But, says Immigration Counsellor Alberto R. Garcia, "with the new law, what's going to happen to those prices? They'll double, maybe even triple."

Employers vigorously oppose the new requirements to examine and verify documents of potential employees. Says San Diego Farmer Steve White: "I don't think it should be my job to be the detective, the judge and the jury on this." The bill stipulates that employers must keep a record of citizenship documentation for every worker hired or face penalties of up to $1,000 per paperwork violation. Since alien workers include maids and baby-sitters as well as grape pickers, says one immigration lawyer, "this legislation can turn housewives in Beverly Hills, Westchester, N.Y., and northwest Washington into criminals. It applies to everybody."

Although the bill carefully forbids discrimination in immigration-related employment practices, civil rights groups are nonetheless concerned. "If an employer is going to require any employee to provide proof of citizenship," says Alex Rodriguez, chairman of the Massachusetts Committee Against Discrimination, "he had better require all employees to provide proof. You can't put a greater burden on a person with a Spanish surname than on one with an Anglo surname." Employers are already aware of their liability. "Say I get a dishwasher named Ramos, and I don't like the look of his Social Security card," complains a New York City restaurateur. "I say, 'Sorry, no job,' and I get slapped with a discrimination charge. You can't win."

By penalizing employers for hiring illegal aliens, Congress hopes to dry up the job market that draws so many illegals to the U.S. But few expect the tide of aliens to subside dramatically. The appeal of America, says Washington Immigration Attorney Michael Maggio, is "not just the lure of jobs. It's poverty and war at home." Along the border in California, Mexicans waiting to dash past INS patrols seem as numerous and determined as ever. "We're going to continue the struggle," one man told a reporter for the San Diego *Union*. "If the choice is to go without food or cross, we'll cross." —*By Amy Wilentz. Reported by Anne Constable/Washington and Edwin M. Reingold/San Ysidro*

BRENT CLINGMAN

Highway checkpoint near San Diego