Mexican American
Legal Defense
and Educational Fund

1411 K Street, NW
Washington, D.C. 20005
(202) 393-5111

MALDEF

May 21, 1979

Mr. Herman Baca
1837 Highland Avenue
National City, California

Dear Herman:

Enclosed please find the documents I promised. These include

1. Copy of S 1070;

2. Copy of our analysis of the issue;

3. Copy of Notice of meeting at La Jolla by Dr. Wayne Cornelius.

Senator Cranston is trying to put the crunch on the resident immigrant who is blind, aged, and disabled even though they are here legally. It's incredible that Senator Cranston has aligned himself with the other co-sponsors. Your help is needed in having Senator Cranston drop out as sponsor or to have the S 1070 referred to the Select Commission on Immigration and Refugee Policy.

Sincerely,

Al I. Perez
Associate Counsel

AIP:dh

Enclosures

National Office
28 Geary Street
San Francisco, CA 94108
(415) 981-5800

Regional Offices
250 W. Fourteenth Avenue
Denver, CO 80204
(303) 893-1893

1636 West Eighth Street
Los Angeles, CA 90017
(213) 383-6952

Petroleum Commerce Bldg.
201 North St. Mary's Street
San Antonio, TX 78205
(512) 224-5476

1411 K Street, NW
Washington, D.C. 20005
(202) 393-5111

96TH CONGRESS
1ST SESSION

S. 1070

To provide a three-year residency requirement for aliens receiving supplemental security income benefits and to require every alien admitted for permanent residence to have a sponsor who will contract to support him for three years, or to have other means of support.

IN THE SENATE OF THE UNITED STATES

MAY 3 (legislative day, APRIL 9), 1979

Mr. PERCY (for himself, Mr. CRANSTON, Mr. BELLMON, Mr. CANNON, Mr. FORD, Mr. HATCH, Mr. HAYAKAWA, Mr. HUDDLESTON, Mr. LAXALT, Mr. MATSUNAGA, Mr. NUNN, Mr. ROTH, Mr. SCHWEIKER, Mr. THURMOND, Mr. YOUNG, and Mr. ZORINSKY) introduced the following bill; which was read twice and referred to the Committee on Finance

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A BILL

To provide a three-year residency requirement for aliens receiving supplemental security income benefits and to require every alien admitted for permanent residence to have a sponsor who will contract to support him for three years, or to have other means of support.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 1614(a)(1)(B) of the Social Security Act is amended to read as follows:

"(B) is a resident of the United States, and is either (i) a citizen, or (ii) an alien lawfully admitted for permanent residence, or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or who has been paroled into the United States as a refugee under section 212(d)(5) of the Immigration and Nationality Act) and who has resided in the United States for the period totaling three years immediately preceding the month in which he applies for benefits under this title. For purposes of clause (ii), an alien shall not be required to meet the three-year residency requirement if (I) such alien has been lawfully admitted to the United States as a refugee as a result of the application of the provisions of section 203(a)(7) or has been paroled into the United States as a refugee under section 212(d)(5) of the Immigration and Nationality Act, or has been granted political asylum by the Attorney General, (II) the support agreement with respect to such alien under section 216 of the Immigration and Nationality Act is excused and unenforceable pursuant to subsection (c) of such section, or (III) such alien is blind (as determined under paragraph (2)) or disabled (as determined under para-

graph (3)) and the medical condition which caused his blindness or disability arose after the date of his admission to the United States for permanent residence. For purposes of the preceding sentence, the medical condition which caused his blindness or disability shall be presumed to have arisen prior to the date of his admission to the United States for permanent residence if it was reasonable to believe, based upon evidence available on or before such date of admission, that such medical condition existed and would result in blindness or disability within three years after such date of admission, and the medical condition which caused his blindness or disability shall be presumed to have arisen after such date of admission to the United States for permanent residence if the existence of such medical condition was not known on or before such date of admission, or, if the existence of such medical condition was known, it was not reasonable to believe, based upon evidence available on or before such date of admission, that such medical condition would result in blindness or disability within three years after such date of admission.".

(2) The amendment made by paragraph (1) shall apply only with respect to aliens applying for supplemental security

income benefits under title XVI of the Social Security Act on or after the date of the enactment of this Act.

(b)(1) Chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end thereof the following new section:

"SUPPORT OF ALIENS

"SEC. 216. (a) No alien shall be admitted to the United States for permanent residence unless (1) at the time of application for admission an agreement described in subsection (b) with respect to such alien has been submitted to, and approved by, the Attorney General (in the case of an alien applying while within the United States) or the Secretary of State (in the case of an alien applying while outside the United States), or (2) such alien presents evidence to the satisfaction of the Attorney General or Secretary of State (as may be appropriate) that he has other means to provide the rate of support described in subsection (b). The provisions of this section shall not apply to any alien who is admitted as a refugee under section 203(a)(7), paroled as a refugee under section 212(d)(5), or granted political asylum by the Attorney General.

"(b) The agreement referred to in subsection (a) shall be signed by a person (hereinafter in this section referred to as the 'immigration sponsor') who presents evidence to the satisfaction of the Attorney General or Secretary of State (as

may be appropriate) that he will provide to the alien the financial support required by this subsection, and such agreement shall constitute a contract between the United States and the immigration sponsor. Such agreement shall be in such form and contain such information as the Attorney General or Secretary of State (as may be appropriate) may require. In such agreement the immigration sponsor shall agree to provide, as a condition for the admission of the alien, for the full three-year period beginning on the date of the alien's admission, such financial support (or equivalent in kind support) as is necessary to maintain the alien's income at a dollar amount equal to the amount such alien would receive in benefits under title XVI of the Social Security Act, including State supplementary benefits payable in the State in which such alien resides under section 1616 of such Act and section 212 of the Act of July 9, 1973 (Public Law 93–66), if such alien were an 'aged, blind, or disabled individual' as defined in section 1614(a) of the Social Security Act. A copy of such agreement shall be filed with the Attorney General and shall be available upon request by any party authorized to enforce such agreement under subsection (c).

"(c)(1) Subject to paragraphs (3) and (4), the agreement described in subsection (b) may be enforced with respect to an alien against his immigration sponsor in a civil action brought by the Attorney General or by the alien. Such action

may be brought in the United States District Court for the district in which the immigration sponsor resides or in which such alien resides, if the amount in controversy is $10,000 or more (or without regard to the amount in controversy if such action cannot be brought by any State court), or in the State courts for the State in which the immigration sponsor resides or in which such alien resides, without regard to the amount in controversy.

"(2) Subject to paragraph (4), for the purpose of assuring the efficient use of funds available for public welfare, the agreement described in subsection (b) may be enforced with respect to an alien against his immigration sponsor in a civil action brought by any State (or the Northern Mariana Islands), or political subdivision thereof, which is making payments to, or on behalf of, such alien under any program based on need. Such action may be brought in the United States District Court for the district in which the immigration sponsor resides or in which such alien resides, if the amount in controversy is $10,000 or more (or without regard to the amount in controversy if the action cannot be brought in any State court), or in the State courts for the State in which the immigration sponsor resides or in which such alien resides, without regard to the amount in controversy.

"(3) The right granted to an alien under paragraph (1) to bring a civil action to enforce an agreement described in

subsection (b) shall terminate upon the commencement of a civil action to enforce such agreement brought by the Attorney General under paragraph (1) or by a State (or political subdivision thereof) under paragraph (2).

"(4) The agreement described in subsection (b) shall be excused and unenforceable against the immigration sponsor or his estate if—

"(A) the immigration sponsor dies or is adjudicated as bankrupt under the Bankruptcy Act,

"(B) the alien is blind or disabled from causes arising after the date of admission for permanent residence (as determined under section 1614(a) of the Social Security Act),

"(C) the sponsor affirmatively demonstrates to the satisfaction of the Attorney General that his financial resources subsequent to the date of entering into the support agreement have diminished for reasons beyond his control and that he is financially incapable of supporting the alien, or

"(D) judgment cannot be obtained in court because of circumstances unforseeable to the alien at the time of the agreement.

"(d)(1) If an agreement under subsection (b) becomes excused and unenforceable under the provisions of subsection (c)(4)(C) on account of the sponsor's inability to financially

support the alien, such agreement shall remain excused and unenforceable only for so long as such sponsor remains unable to support the alien (as determined by the Attorney General), but in no case shall the agreement be enforceable after the expiration of the three-year period designated in the agreement. The sponsor shall not be responsible for support of the alien for the time during which the agreement was excused and unenforceable, except as provided in paragraph (2).

"(2)(A) If the Attorney General determines that a sponsor intentionally reduced his income or assets for the purpose of excusing a support agreement, and such agreement was excused as a result of such reduction, the sponsor shall be responsible for the support of the alien in the same manner as if such agreement had not been excused, and shall be responsible for repayment of any public assistance provided to such alien during the time such agreement was so excused.

"(B) For purposes of this paragraph the term 'public assistance' means cash benefits based on need, or food stamps.".

(2) The table of contents for chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end thereof the following new section:

"Sec. 216. Support of aliens.".

(3) Section 212(a)(15) of the Immigration and National-
ity Act is amended by inserting before the semicolon the fol-
lowing: ", or who fail to meet the requirements of section
216".

(4) The amendments made by this subsection shall apply with respect to aliens applying for immigrant visas or adjustment of status to permanent resident on or after the first day of the fourth month following the date of the enactment of this Act.

○

M E M O R A N D U M

FROM: Ad Hoc Coalition on Social Security Insurance

RE: Proposed Legislation Restricting Eligibility of Resident Aliens to Public Benefits

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The purpose of this memorandum is to discuss the many problems inherent in the legislation which has been proposed by members of Congress to restrict access to public benefits by persons who are lawful resident aliens in the United States. As will be shown below, this legislation will cause a myriad of problems ranging from the denial of basic human rights to the imposition of unwarranted fiscal and administrative burdens on state and local public assistance programs. Because of the implications of this proposed legislation we strongly feel that Congress should proceed only after a thorough inquiry into the probable repercussions here and abroad. Accordingly, we urge that Congress defer consideration of this matter to the Select Commission on Immigration and Refugee Policy, which is specifically mandated to study such problems.

Below we have set out the major problems inherent in this legislation:

I. THE STATISTICAL BASIS FOR THE LEGISLATION IS INADEQUATE AND POSSIBLY INACCURATE.

These various pieces of legislation putatively are intended to curb welfare "abuse" by aliens and are primarily based on a General Accounting Office (GAO) Report entitled, "Number of Newly Arrived Aliens Who Receive Supplemental Security Income Needs to be Reduced." 1/ An independent Congressional study of the GAO report, conducted by the staff of Congressman George Grown 2/, established that it was seriously flawed. Based on statistical errors alone, the study reduced the GAO's estimate of money paid to newly arrived aliens by almost one-half. Congressman Brown's study found that only less than 1% (00.66%) of the money paid to all SSI recipients in Fiscal Year 1977 went to aliens. 3/ The congressional study also notes that every estimate made by GAO is subject to large

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1/ See copy of GAO Report attached herein as Appendix A.

2/ A copy of the Brown study is attached herein as Appendix B.

3/ Approximately 2.21% of the population in the United States are resident aliens. 1976 Annual Report: Immigration and Naturalization Service p. 143, Table 35. This figure represents only those persons who reported under the Alien Address Program. Persons not reporting and undocumented aliens are not counted.

sampling error and that, in conducting its study, the GAO worked from an inadequate amount of information. The congressional study forcefully expresses the concerns which we have in using this study as a basis for any legislation:

> In view of the very small number of cases which must have been used to calculate these results, it is highly questionable whether their accuracy can be trusted . . .
>
> Where one's purpose is to describe a national problem without proposing legislation to remedy it we might accept a study . . . based on 148 cases. But here we are asked to use such findings as a basis for changing the law of the land. We must ask ourselves whether we can change the law on such limited information, or whether further study is needed before we act.
>
> * * *
>
> In sum, the GAO report raises more questions about newly arrived aliens than it answers . . .
>
> Congress needs more data than are offered in the GAO report before it can decide whether this problem is important enought to warrant new legislation. [Emphasis added] 4/

It is important to note that although the GAO report reaches conclusions only with regard to the SSI program, it has become the basis for unfounded charges that all federal and state public assistance programs are subjected to similar "abuse" and in need of reform. 5/

As so pointedly demonstrated in the congressional study, the absence of properly collected and analyzed data in this area strongly argues against legislative action, especially given the adverse impact which such legislation may have on lawful permanent resident aliens and United States citizens seeking to reunite their families.

4/ See pp. 10, 11 of Appendix B.

5/ See comments made by sponsors of S. 816 at 125 Cong. Rec. S3606 (Daily Edition, March 28, 1979).

II. FINANCIAL AND ADMINISTRATIVE PROBLEMS IN ENFORCING SUCH LEGISLATION.

The cost of enforcing such legislation should be utmost in the minds of those persons who wish to analyze the need for it. The purported intent of these bills is to reduce expenditures in state and federal public assistance programs. Yet, it is very possible that the cost of enforcing such legislation would be greater than any potential savings in public benefits paid out. And even if there were savings, such savings would be insignificant compared to the adverse impact that the program would have on persons in this country and those wishing to enter in the future.

For example, legislation restricting the right of legal resident aliens to public benefits would require the establishment of new divisions within either the Immigration and Naturalization Service or the Department of Health, Education and Welfare, or both. This would require the purchase or rental of facilities, not only in Washington, D.C., but in each state where the government intends to enforce the legislation. Administrators, attorneys, investigators, clerks, secretaries and other personnel would have to be hired. Equipment and supplies would have to be purchased. The cost of all of these necessities would be enormous.

This analysis only reflects the direct costs in enforcing such a program. Not taken into consideration are the following:

- The cost of conducting litigation by the Department of Justice or state attorneys;
- The costs and burdens of adjudicating cases brought under such a program to state or federal courts;
- The cost in providing legal representation through legal services attorneys, court appointed attorneys or private attorneys to persons being prosecuted under the program;
- The cost of deporting persons found to have violated the provisions of the Act;
- Any incidental costs incurred in enforcing the legislation.

These fiscal implications, plus the administrative complexities in enforcing the proposed legislation, strongly point out the need for a careful and thorough study of the problem.

III. THE COST OF THE PROPOSED LEGISLATION TO THE STATES

A further problem, apparently ignored by the authors of these bills, is the potentially serious fiscal impact on the states and localities that may result from denying permanent resident aliens receipt of benefits under federal/state public assistance programs. In 1971 the Supreme Court ruled that states must provide public state and local benefits to legal permanent resident aliens seeking such benefits.[6/] Since under the proposed legislation aliens would be prohibited from obtaining federal and federal/state public assistance, many needy aliens would be forced to turn solely to state and local assistance programs. The anomalous result would be that the states would be required to provide legal resident aliens state sponsored public benefits but the federal government would be prohibited from doing so, even under federal programs administered by the states. The financial implications for state and local jurisdictions could be significant. Given the financial problems which many state and most local governments are facing today, changes such as these should be studied far more thoroughly than they have been to date.

IV. THE PROPOSED LEGISLATION UNDERMINES THE FAMILY REUNIFICATION POLICY OF THE IMMIGRATION AND NATIONALITY ACT

Several of the proposed bills amend the Immigration and Nationality Act to render enforceable as a bilateral contract affidavits of support executed by a U.S. sponsor on behalf of a lawfully admitted permanent resident. The obvious impact of such a proposal will be to create a chilling effect on potential sponsors of permanent resident immigrants. Many such potential sponsors will be unable to make the prerequisite financial commitment, even for the sake of a close relative. The reunification of families, a cornerstone of our immigration law and policy, could be drastically affected by such legislation. An attack on this humanitarian policy would be unwarranted, given the slender evidence which is a basis for these proposals. This potential impact on the family reunification concept requires extremely careful scrutiny.

V. THE PROPOSED LEGISLATION WOULD IMPOSE SEVERE HARDSHIPS ON U.S. CITIZENS AND ALIENS LAWFULLY ADMITTED FOR PERMANENT RESIDENCE

The three types of proposals presently being considered would a) restrict the right of permanent resident aliens to secure benefits under one or more federal/state

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6/ Graham v. Richardson, 403 U.S. 365 (1971).

public assistance programs; b) render enforceable as a bilateral contract the affidavit of support executed by a U.S. sponsor on behalf of a lawfully admitted permanent resident; and c) significantly modify the "public charge" provisions of the Immigration and Nationality Act. The hardships caused to United States citizens and permanent resident aliens by these proposals are obvious. Restricting the right of permanent resident aliens to secure benefits under federal/state public assistance programs conflicts with the principle underlying social welfare programs in this country -- that needy persons residing in the U.S. should not be denied life's basic necessities solely for reason of economic hardship. Permanent resident aliens, just as anyone else, may be faced with unforeseen circumstances which may force them to seek public assistance. That they be denied such assistance solely because of their status as aliens, is particularly unjust since they assume all the responsibilities of membership in our society, such as the payment of taxes and compulsory military service.

As mentioned above, the proposals rendering enforceable as bilateral contracts affidavits of support will act to inhibit the reunification of families. These hardships fall not only on the aliens seeking admissions but also on U.S. citizens who seek to reunite their families.

Modifying the "public charge" provisions of the INA would subject to deportation persons who, due to unforeseen circumstances, were forced to seek public assistance. This change also would be inconsistent with the principles underlying social welfare programs.

The potential harshness which these programs may have on citizens and permanent resident aliens provides yet another compelling reason why this legislation should be carefully studied by the Select Commission on Immigration and Refugee Policy. To impose these hardships in the absence of data indicating the need for such stringent legislation would be irresponsible and regrettable.

VI. THE PROPOSED LEGISLATION WOULD CREATE DIFFERENT CLASSES OF ALIENS.

A disturbing feature common to all bills presently being considered is their differential treatment of classes of immigrants. Notwithstanding the possible humanitarian motives of those who have exempted refugees, parolees and those granted political asylum from the reach of the legislation, denying access to most other permanent resident aliens would inevitably create a second class of aliens. The creation of such different classes of aliens could potentially cause divisiveness in communities where both classes reside.

To the extent that the pending proposals would deny aid to those refugees who enter as "immigrants" rather than on parole, tension may result within ethnic communities. This situation could occur in those instances where early-arrived refugees who are now citizens are asked to use the preference system for relatives in order to save parole numbers, only to learn that their family members are ineligible for assistance whereas relatives of more recently-arrived neighbors who entered on parole remain qualified.

Another potential conflict in this area is between ethnic communities. If long-standing residents who have contributed to the economy and the culture find that their recently-arrived relatives are precluded from assistance while refugees with no ties to this country have ready access to aid, then resentments are likely to develop toward the refugee community.

Many of the proposed bills, by making affidavits of support legally enforceable, would also create classes of aliens based on economic status. Many aliens, otherwise eligible for permanent residence, would be allowed to enter only if they have relatives with adequate financial security to sponsor their admission. This would create startling and immediate changes in the character of immigrants admitted into the United States. Aliens seeking admission, and their U.S. citizen or permanent resident sponsors, would thus be subjected to invidious discrimination based on wealth.

The potential for divisiveness of this legislation warrants further study.

VII. THE PROPOSED LEGISLATION MAY VIOLATE THE FINAL ACT OF THE HELSINKI CONFERENCE

The basic theme of the Helsinki Conference was the affirmation of human rights throughout the world. If enacted into law, these proposals will occasion severe hardships for countless U.S. citizens and permanent residents and may raise international concern that the United States is in violation of key principles enunciated in the Final Act of the Helsinki Conference. Under the Final Act, the U.S. committed itself to establish equality of social security among immigrants and citizens. The Final Act of the Helsinki Conference, ("Cooperation in the Field of Economics, of Science and Technology and of the Environment, Section 6: Cooperations in Other Areas - Economic and Social Aspects of Migrant Labor"), provides that the participating states shall aim

> to ensure equality of rights between migrant workers and nationals of the host countries with regard to conditions of employment and work and to social security . . .[emphasis added].

The Final Act further provides ("Co-operation in Humanitarian and Other Fields, Section 1(b), Reunification of Families") that

> "The Participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character--such as requests submitted by persons who are ill or old . . ." [emphasis added]
>
> The receiving participating State will take appropriate care with regard to employment for persons from other participating States who take up permanent residence in that State in connexion with family reunification with its citizens and see that they are afforded opportunities equal to those enjoyed by its own citizens for education, medical assistance and social security. [emphasis added].

It is inconsistent with these commitments to 1) prevent needy persons, regardless of their citizenship, to obtain necessities through public assistance programs, 2) to prevent the reunification of families solely on the basis of economic status, 3) to expel persons from this country solely because they were forced to seek public assistance to obtain the basic necessities to survive, and 4) to deny "special attention" to requests for families reunification by "persons who are ill or old."

If this Congress and Administration are sincere in their efforts to secure basic human rights in this country and throughout the world, they should reassess the possible ramifications of this legislation. A failure to do so may undermine the moral and political force of the U.S. efforts to foster international human rights compliance and erode significantly perceptions of the United States' commitment to the Helsinki Accords.

VIII. THE PROPOSED LEGISLATION RAISES LEGAL AND CONSTITUTIONAL QUESTIONS

Many of the proposed bills raise legal and constitutional questions, many of which cannot be answered by reference to the legislation as presently drafted. For example, should a sponsor of an immigrant renege on the agreement and judgment obtained, would the immigrant be subject to deportation? Would the alien be permitted to secure another sponsor? If another sponsor could not be secured, would s/he still be deportable? Or consider the case of a person who entered under 3rd, 6th or nonpreference categories; if the sponsor was the immigrant's employer, would this mean that the employment of the alien would have to be guaranteed for a prescribed period of time? How many employers could be expected to assume such

a responsibility? With respect to all other sponsors, would they have to demonstrate their capacity to provide the support required? Or would execution of the affidavit be sufficient? If the framers of this legislation define their bills as encompassing the former, we would have profound concern about the apparently unfair situation created by a system that permits sponsorship agreements to be executed only by those with assets above a certain level and yet requires all immigrants to have sponsorship agreements.

As mentioned above, several of the proposals would modify the "public charge" provisions of the Immigration and Nationality Act by making persons who receive public benefits deportable. While most of the proposals specify that permanent resident aliens will be subject to deportation if benefits are received within three to five years of entry, no time limitation has been specified within which a deportation proceeding must be brought. An alien, thus, could be subject to the threat of deportation for an indefinite period.

Another proposal presently being considered would amend the laws creating the public assistance programs by imputing the immigrant's sponsor's income and resources to the alien for purposes of determining eligibility for public assistance benefits and the level of such benefits which can be received. For many immigrants this legislation would place them in an unescapable predicament: The sponsor's income and resources would be inputed to the alien even though s/he may have no access to the sponsor's income and s/he would not be permitted to rebute that presumption. Such an irrebuttable presumption is fundamentally unfair and raises constitutional questions.

These and many other legal and constitutional questions are raised by the proposed legislation. These proposals will be subject to innumerable and predictable legal challenges. A detailed analysis of the legal and constitutional ramifications of the proposed bills is clearly warranted. Again, the Commission would be the best forum for this analysis.

CONCLUSION

The many problems raised in this memorandum suggest that a detailed analysis would reveal even more. Other members of Congress, such as Senator Edward M. Kennedy, have suggested that the Select Commission on Immigration and Refugee Policy is the appropriate forum for this thorough review. For the reasons discussed above, we agree. Congressional action in the important area of immigrant rights should be considered only after the Commission makes its recommendations. We urge you to seek the referral of these issues to the Select Commission.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY
DEPARTMENT OF POLITICAL SCIENCE
E53-455

CAMBRIDGE, MASSACHUSETTS 02139

20 April 1979

Dr. Vilma S. Martínez
General Counsel, Mexican-American Legal and
Educational Defense Fund (MALDEF)
28 Geary Street
San Francisco, Calif. 94108

Dear Vilma:

I would like to invite you to participate in an informal briefing session on Mexican immigration which I am organizing, under the auspices of the International Relations Program of the Rockefeller Foundation. This meeting, to be held in La Jolla, California, will begin with a dinner on the evening of June 10. The main discussions will be on June 11 and 12.

This will not be another general conference on immigration issues. I have organized the session with two very specific objectives in mind:

(1) To brief a select group of Mexican policy-makers on recent shifts in mass and elite opinion in the U.S. regarding immigration. The aim is to increase their understanding of the interests, institutions, and social-political forces in the U.S. that are likely to shape U.S. immigration policy and other policies affecting Mexico.

(2) To brief a group of U.S. Congressional and executive branch officials who are directly involved in the formulation of U.S. immigration policies, as well as representatives of organized labor, the business community, and the Chicano community in the U.S., on the main elements of the development policy debate in Mexico and its implications for migration of Mexicans to the United States. Of particular concern are the Mexican government's priorities for investing oil revenues, the recently-announced industrial development plan for 1979-1990 (are the investments to be made under this plan really as capital-intensive as first reports indicate?), and the possible role of job-creating programs in the Mexican government's development strategy (particularly in the rural sector) during the remainder of the López Portillo administration and beyond. What is the potential impact of the Mexican government's policy choices in these areas, upon the future volume of emigration to the U.S.?

If both of these objectives are achieved, the La Jolla meeting will be one of the most important discussions of these matters to be held in the U.S. this year. My hope in organizing the meeting, and that of the Rockefeller Foundation in sponsoring it, is to generate a timely (post-Carter visit) exchange of useful information between Mexican and U.S. participants in the ongoing debate over Mexican immigration. Such an exchange is more likely to occur in the kind of setting we will have in La Jolla, outside of formal, government-to-government channels of communication.

The persons being invited to participate in this session include academic specialists on immigration and/or U.S.-Mexican relations, representatives of special-interest groups in the U.S., officials and advisors of both the U.S. and Mexican governments, program officers for international development agencies which have major projects based in Mexico, and journalists who have reported extensively on Mexican immigration and its effects at the local level. All have been chosen with a view toward maximizing the informational payoff of the session to each participant.

The La Jolla session is the fourth in the series of meetings on key issues in U.S.-Mexican relations (immigration, overall trade relationships, oil exports) which have been sponsored by the Rockefeller Foundation since June, 1978. The Director of the Foundation's International Relations Division, Mason Willrich, will be sending you a formal invitation to participate in the La Jolla meeting, within a few days.

The La Jolla meeting is also the first activity to be hosted by the newly-established Center for U.S.-Mexican Studies at the University of California-San Diego. I will be serving as Director of the Center (and Professor of Political Science) at UCSD, beginning in the next academic year. During the La Jolla meeting I hope to have the opportunity to inform you in greater detail about the program of research and public-education activities which is being planned for the Center.

I am enclosing additional information on the invited participants, background papers, and other details. Please inform me as soon as possible, by telephone, whether you will be able to attend. My numbers are:

Office: (617) 253-3127 (Secretary: Rosalía Godínez)
Home: (617) 443-4219

I hope very much that you can be with us for the La Jolla meeting. I am certain that you can make a very valuable contribution to the discussions; and you should also come away from this meeting with a great deal of new and useful information for your own work. I look forward to seeing you in La Jolla.

Best regards,

Wayne A. Cornelius
Professor of Political Science

MEXICAN IMMIGRATION: ELEMENTS OF THE DEBATE IN THE UNITED STATES AND MEXICO - AN INFORMAL BRIEFING SESSION

Dates and schedule:

Sunday, June 10: Please arrive at La Valencia Hotel in La Jolla, by 6:00 pm. Cocktails beginning at 6:30 p.m.
Dinner in the Sky Room, at 7:00 p.m. (There will be welcoming remarks and a brief discussion of the agenda for the following day's session.)

Monday, June 11: Briefing session on the debate over Mexican immigration in the U.S., beginning at 9:00 a.m., ending at about 3:00 p.m., with a working lunch.

Tuesday, June 12: Briefing session on the debate within Mexico re: migration to the U.S., utilization of revenues from oil exports, and the implications of present and future Mexican rural and industrial development policies/programs for employment and emigration. Discussions to begin at 9:00 a.m., ending at about 3:00 p.m., with a working lunch.

(Participants may wish to depart at the end of the Tuesday session; however, hotel space has been reserved for all those wishing to stay until Wednesday morning.)

Location:

Opening dinner and overnight accommodations at La Valencia Hotel, 1132 Prospect Street, La Jolla, Calif. 92038 (Tel. 714, 454-0771).

The main sessions on June 11-12 will be held in the Chancellor's Conference Room "A", Chancellor's office complex, Building # 111, Matthews Campus area, University of California-San Diego. Transportation will be provided from La Valencia Hotel to the UCSD campus, about 8-10 minutes away.

For those unfamiliar with the geography of this area, La Jolla is one of the northern suburbs of the city of San Diego. The closest airport is San Diego International Airport, about 15-20 minutes from La Jolla. The campus of the University of California-San Diego is located on a bluff overlooking the Pacific Ocean, just north of the "village" of La Jolla.

Hotel Accommodations:

Rooms for non-local participants have been reserved at La Valencia Hotel in La Jolla village, with arrival expected by 6:00 p.m. June 10, departure Wednesday morning, June 13. If you will be arriving later or leaving earlier, or have any other special requests regarding hotel accommodations, please communicate this information directly to the hotel staff (Assistant Manager Fritz Fehrensen, or the reservations clerk on duty), at Area Code 714, 454-0771, identifying yourself as a member of the "Rockefeller Foundation Conference Group."

I will confirm your room reservation to the hotel, as soon as I am notified of your acceptance of the invitation.

During late afternoons and evenings you will be free to make use of the hotel facilities (see attached information) and the adjacent La Jolla

Cove Park. La Valencia Hotel is conveniently located in La Jolla village, within easy walking distance of numerous restaurants and specialty shops.

Transportation:

The closest airport is at San Diego (Lindberg Field). It is served by all major U.S. airlines, though most flights from the east coast of the U.S. make a stop in Los Angeles. There are hourly flights from Los Angeles to San Diego (the flight time is about 20 minutes), on United Airlines, PSA, TWA and others.

Expenses:

The Rockefeller Foundation will reimburse you for all expenses incurred in connection with your participation in the session, including round-trip, tourist-class air fare, taxi fares, food and lodging (up to three nights at La Valencia Hotel). You should obtain plane tickets through your own travel agent. Also, each participant will be billed by the hotel for his/her own account. Vouchers for reimbursement will be distributed at the meeting by Foundation staff.

Background papers:

Three or four background papers will be distributed in advance to all participants in the La Jolla meeting. Since frequent reference will be made to these documents during the meeting, and time will not be taken for formal presentations of their findings, it is important that you familiarize yourself with their contents before we begin our discussions on June 11. Read them on the plane, if necessary, but do try to give them your attention, particularly Background Papers #1 and #4.

Background Paper #1: "America in the 'Era of Limits': The 'Nation of Immigrants' Turns Nativist--Again." Paper by Wayne Cornelius.

Analyzes public perceptions of immigration--particularly from Mexico--from the 1920s to the present, with special emphasis on the 1970s. Identifies the major sources of these perceptions, and describes some of the broad shifts in mass and elite opinion within the U.S. toward minority groups, government spending, crime, population growth, and other issues which are now affecting the debate over immigration policy. This paper is being prepared specifically for discussion at the La Jolla meeting. Copies will be mailed to all who have agreed to participate, by no later than May 15.

Background Paper #2: "Mexican and Caribbean Migration to the United States: The State of Current Knowledge and Recommendations for Future Research and Public Education Efforts." A Report to the Ford Foundation, April, 1979, by Wayne Cornelius.

A detailed review of published and unpublished research, emphasizing undocumented (illegal) migration from Mexico to the U.S. Research on immigration from the Caribbean basin (the Dominican Republic, Haiti, Jamaica, Trinidad-Tobago, Colombia, Puerto Rico, and Cuba) is also summarized. This report will be distributed to participants in the La Jolla meeting, several months in advance of publication, through the courtesy of the Ford Foundation's Office for Latin America and the Caribbean and its Office for Social Development, which commissioned the study.

Background Paper #3: "Immigration and U.S.-Mexican Relations: Proceedings of a Conference at the Rockefeller Foundation, New York City, November 21, 1978," edited by Wayne Cornelius. A condensed version of the discussions at the third of the series of conferences on major issues in U.S.-Mexican relations, sponsored by the Rockefeller Foundation, which laid much of the groundwork for the forthcoming meeting at La Jolla. The emphasis is on consequences of Mexican immigration (actual or perceived) for the U.S. economy and society. To be distributed in early May, 1979.

Background Paper #4: We also hope to have, as background reading for the La Jolla meeting, a paper currently being written by August Schumacher of the World Bank. The paper reviews Mexican rural development policies and programs from about 1940 to the present. The author will mail copies to all participants in the La Jolla meeting if the paper can be completed at least a week in advance of the meeting.

INVITED PARTICIPANTS

I. From Mexico: (Public sector)

Alfonso Cebreros, Under Secretary of Programming and Budgeting in the administration of President López Portillo.

Miguel Angel Cuadra, Director-General of Programming and Budgeting, and head of the integrated rural development program (PIDER) sponsored by the Mexican government, the World Bank, and the Inter-American Development Bank.

Casio Luiselli, Advisor to President López Portillo on agricultural policy and immigration as an issue in U.S.-Mexican relations (a member of the President's personal staff of advisors).

Carlos Salinas, Director-General of Finance Planning, Mexican Ministry of Finance and Public Credit; a member of the Mexican government's inter-agency task force on employment policy, and author of a forthcoming book on the socio-political impact of labor-intensive, rural feeder road construction projects in Mexico.

Carlos Tello, Director-General of the Financiera Nacional Azucarera, a key government development bank; one of Mexico's leading economists.

(Academic community:)

Jorge Bustamante, sociologist at El Colegio de México; principal academic researcher for the recently completed, nationwide study of migration to the U.S. sponsored by CENIET, Mexican Ministry of Labor.

Mario Ojeda Gómez, professor of international relations at El Colegio de México. A specialist on Mexican foreign policy and U.S.-Mexican political and economic relations.

Olga Pellicer de Brody, professor of international studies at El Colegio de México, whose recent research has focused on issues in U.S.-Mexican relations. Participated in the November, 1978, meeting of the Immigration Workshop sponsored by the International Relations Program of the Rockefeller Foundation.

(Invited participants, continued)

II. From the U.S.:

(U.S. government)

Joan Arrowsmith, staff director for the newly-established Select Committee on Immigration and Refugee Policy. (The Select Committee, chaired by former Florida governor Reuben Askew, is composed of several members of the U.S. Congress, officials from the executive branch, and several "public" members.)

Antonia Hernández, member of the staff of the Senate Judiciary Committee, with special responsibilities in the area of immigration legislation. A lawyer with extensive experience in immigration counseling in the Los Angeles area.

Guillermina Jasso, special assistant to Leonel Castillo, U.S. Commissioner of Immigration and Naturalization. A sociologist, with a special interest in improving the empirical data base for policy-making in the immigration field.

Rep. Elizabeth Holtzman, newly-appointed chairperson of the Subcommittee on Immigration and Refugees, Committee on the Judiciary, U.S. House of Representatives.

Jerry Tinker, member of the staff of the Senate Judiciary Committee; principal staff advisor to Senator Edward Kennedy on immigration and refugee issues. Currently directing Senator Kennedy's review of policy options in this area.

(International development agencies)

August Schumacher, principal World Bank program officer for the program of integrated rural development (PIDER) in Mexico. A specialist on rural development programs, particularly those affecting small-holder cultivation.

Sally Yudelman, regional director for Mexico and Central America, the Inter-American Foundation. The Foundation's administrative officer for a variety of public and private-sector development programs in Mexico.

(The Chicano community)

Vilma Martínez, General Counsel of the Mexican-American Legal and Educational Defense Fund (MALDEF), based in San Francisco. One of the Chicano community's leading activists; also a Regent of the University of California.

(Organized labor)

Jack Otero, International Vice President of the International Brotherhood of Railway Workers and Clerks, AFL-CIO. Also one of the public members of the new Select Committee on Immigration and Refugee Policy.

(Invited participants, continued)

(The Business community)

Mr. Ted Gildred, Jr., President of Lomas Santa Fe, Inc., Solana Beach, California. A prominent business leader in the San Diego area, who grew up in Mexico and whose family remains active in the Mexican business community.

Dr. Manuel Barba, a practicing surgeon who is also Chairman of the Board of the Mexican-American National Bank in San Diego. An immigrant from Mexico, Dr. Barba is a prominent figure in the Mexican community of San Diego.

(U.S.: Mass media)

Lou Cannon, Los Angeles Bureau Chief of The Washington Post. Author of a highly detailed series of articles on the growth of the Mexican/Chicano population in the U.S., published in April, 1978.

Frank del Olmo, Correspondent of The Los Angeles Times, specializing in Chicano affairs, Mexican immigration, and related issues in Mexico and the United States. Writer of an Emmy-award-winning documentary on undocumented Mexican immigration broadcast in 1977.

Ben Shore, Correspondent with the Copley News Service, based in Washington, D.C. Has reported extensively on Congressional and executive-branch actions concerning immigration.

(U.S.: Academic community)

Richard Fagen, Professor of Political Science at Stanford University. Coordinator of the program on U.S.-Mexican relations, for the International Relations Program, The Rockefeller Foundation. His recent research has focused on issues in U.S.-Mexican relations.

Michael Kearney, Associate Professor of Anthropology at the University of California-Riverside. Currently engaged in research on the socioeconomic impact of migration to the U.S. upon rural sending communities in Mexico, with fieldwork in Oaxaca.

Charles Keely, demographer with the Center for Policy Studies, The Population Council, New York City. A specialist on immigration as a component of U.S. population change, and on the politics of the U.S. immigration policy-making process.

Sheldon Maram, Associate Professor of History at California State University, Fullerton. A specialist on labor history, he has directed major research on the utilization of health care facilities by Mexican migrants and the labor-market impacts of undocumented Mexican immigration in the Los Angeles and Orange County areas.

Clark Reynolds, Professor of Economics, Food Research Institute, Stanford University. An expert on Mexican economic development, currently chairing a working group on U.S.-Mexican trade and economic relations, under the auspices of the International Relations Program of the Rockefeller Foundation.

(Invited participants, continued)

William D. McElroy, Chancellor of the University of California, San Diego campus.

Pete Wilson, Mayor of the City of San Diego.

Melvin Conant and Helena P. Page, coordinators of the Workshop on Petroleum, Project on U.S.-Mexican Relations, International Relations Division, The Rockefeller Foundation.

Edwin A. Deagle, Jr., Deputy Director of the International Relations Division, The Rockefeller Foundation.

Cecilia Lotse, Program Associate of the International Relations Division, The Rockefeller Foundation.

Clarence C. Gray, III, Associate Director of Agricultural Sciences, The Rockefeller Foundation.

Sheldon J. Segal, Director of the Population Division, The Rockefeller Foundation.

Mary Kritz, Assistant Director of Social Sciences, The Rockefeller Foundation.

Bernard E. Anderson, Director of the Social Science Division, The Rockefeller Foundation.

Kenneth O. Rachie, Associate Director of Agricultural Sciences, The Rockefeller Foundation.

Mason Willrich, Director of the International Relations Division, The Rockefeller Foundation.

Organizer and Moderator: Wayne A. Cornelius, Professor of Political Science, MIT, and incoming Director of the Center for U.S.-Mexican Studies, University of California, San Diego.

Rapporteur: Ann L. Craig, Assistant Professor of Political Science, University of California, San Diego.