

MANO



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NEW IMMIGRATION LAW, DECEPTIVE, EXPLOITATIVE

RAZA SI is strongly opposed to current Immigration Reform and Control Act of 1986. None of the previous bills could either accomplish their much touted purpose of solving, even to any meaningful degree, the question of undocumented immigration. Washington has chosen to define this question as a domestic problem, as one of law enforcement, as one of crime.

International phenomenon

Undocumented immigration is an international phenomenon, the product of an international labor market. The U.S. has a demand for unskilled and semi-skilled labor. Mexico has the principal supply.

No bill passed by Congress alone can change the income differential and uneven economic relationship between Mexico and the U.S. An international agreement could provide the legal basis to protect the rights of immigrant workers, while honestly recognizing that there is an ever growing shortage in the domestic supply of unskilled labor. The U.S must recognize its part in creating conditions within Mexico that generate immigration.

Border control or labor control?

Washington is fully aware of the causes of undocumented immigration. Yet, they chose to enact the present deceptive and exploitative law. We believe this law is a measure to control and maximize the profitability of undocumented labor, not to control our borders. It is a law born out of unfounded fears, exaggerations, deception and racism. We would like to address two of the main parts of this law: Employer Sanctions and Legalization.

Employer Sanctions

Employer Sanctions were enacted with the rationale that jobs are the "magnet" which attract the undocumented. Take away the magnet and they won't come to the U.S. any more. This is a ridiculous notion since employer sanctions will not take away the need of the U.S. economy for unskilled labor. Nor will employer sanctions force employers to hire U.S. workers. Most U.S. workers are unwilling to take over what the undocumented have been doing. It is important to point out that the crisis of unemployment in the U.S. has principally hit the auto and steel industries of the East and Midwest. The undocumented generally don't work in these industries. But in the unskilled sector, where they work, there is no crisis of unemployment. Research shows that immigrant workers, through their hard work and productivity, create jobs in the U.S..

What employer sanctions will do is further criminalize and complicate the process of unskilled and semi-skilled labor supply and demand. Employers will have to do extra paperwork and record keeping. Many will avoid hiring Latinos, fearing their possible illegal status. Some may be fined for hiring the worker they really needed.

But employer sanctions are really worker

sanctions. The thousands of workers and their families who don't qualify for amnesty, yet have their roots in this country, will be put in an even more exploitable situation. Unscrupulous employers with full knowledge of their employee's legal status will simply pay less wages. In two years employer sanctions will be reviewed. We urge local government to recommend the abolishment of these sanctions.

Legalization

The IOP and RAZA SI receive calls daily from people who have been put under tremendous stress by the uncertainty of their future because they don't qualify for amnesty. Some missed the qualifying date by a few months. Others are depressed because, although they entered the country long before 1982, they have not kept any documentation of their residence. Perhaps they have only worked a few years for a legitimate employer willing to prove employment.

The legalization provision is very arbitrary and made more unfair by the restrictive way the regulations are currently being written. Our organizations have always called for unconditional amnesty for all undocumented in this country. This is the only fair way.

One of the most destructive aspects of the legalization provisions is that there are many families where some members qualify and others don't. We demand that the INS and members of Congress put language in the regulations and adopt policies to prevent family break-ups. Family applications must also be accepted.

Another problem is the definition of continuous residency. A person is disqualified from legalization if he/she has been away from the U.S. for more than 180 days in the five-year period in question. The intent of the law is to legalize good working people who have made the U.S. their home. They should only have to prove that the U.S. has been their main place of residency.

We don't believe that a previous deportation should automatically exclude a person from legalization. The reason for their deportation should be taken into account. Some people have fought their deportation because this is their home or main place of residency.

Finally we believe that there should be no charge to apply for legalization. Generations of undocumented workers and the majority of applicants have paid taxes and have received no services or benefits. To charge them is to continue exploiting them.

We urge you to contact the INS and the Judiciary Committees of both Houses to demand that the most humane and fair regulations be adopted. Our community should not be an accomplice in further exploiting some of the most productive and proud members of our society. We must take a firm stand against a law and a set of regulations that hide the truth and blame the victim.

MANO



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BOLETÍN DEL INSTITUTO DE ORIENTACIÓN POPULAR Y LA ORGANIZACIÓN POPULAR RAZA SÍ Año 3 No. 3-4
P.O. Box 2382 San José, CA 95109 marzo-abril, 1987

NUEVA LEY DE INMIGRACION; ENGANA Y EXPLOTA

El Instituto y RAZA SÍ se oponen enérgicamente a la actual Acta de Reforma y Control de Inmigración 1986. Ninguno de los previos proyectos tampoco hubieran logrado su muy anunciado propósito de resolver la cuestión de la inmigración indocumentada. Washington ha decidido definir a la inmigración como un problema doméstico, como un problema del enforzamiento de la ley, por consiguiente un problema de crimen.

Fenómeno Internacional

La inmigración indocumentada es un fenómeno internacional, producto de un mercado internacional de trabajo. E.U. tiene una demanda por mano de obra no especializada y semiespecializada. México tiene la oferta mayor.

Ningún proyecto aprobado por el Congreso puede por sí solo, cambiar las diferencias en sueldos y la desigual relación económica entre México y E.U.. Un acuerdo internacional podría proporcionar las bases legales para proteger los derechos de los trabajadores inmigrantes y reconocer honestamente que existe una creciente escasez en la oferta doméstica de mano de obra no especializada.

E.U. tiene que reconocer su papel en crear condiciones en México que provocan la inmigración.

Control de la frontera o del trabajador?

Washington está completamente conciente de las causas de la inmigración indocumentada. Sin embargo, decidieron aprobar la actual engañosa y explotativa ley. Opinamos que esta ley es una medida para controlar y aumentar la ganancias de la labor del indocumentado, no para controlar la frontera. Es una ley nacida del miedo sin razón, de exageraciones, engaños y racismo. Comentaremos sobre 2 de sus secciones principales. Sanciones al empleador y la legalización.

Sanciones al Empleador

Las sanciones al empleador fueron aprobadas con la noción que los empleos son el "imán" que atrae al indocumentado. Se quita el imán y el indocumentado ya no vendrá. Esta es una noción ridícula puesto que las multas al empleador no van a eliminar la necesidad que la economía de E.U. tiene de mano de obra no especializada. Las multas a los patrones tampoco van a forzarlos a contratar a empleados estadounidenses. La mayoría de estos no están dispuestos a tomar los trabajos que los inmigrantes ocupan. Es importante señalar que la crisis del desempleo en E.U. ha afectado principalmente a las industrias acerera y automotriz del Este y Medioeste. Allí generalmente los indocumentados no trabajan. Pero en el sector no especializado donde sí trabajan, no hay crisis de desempleo. Investigaciones muestran que los trabajadores inmigrantes mediante su duro trabajo y alta productividad crean empleos en E.U.

Lo que las sanciones al empleador harán, es criminalizar y complicar la demanda y oferta

de mano de obra no especializada. Los patrones tendrán que hacer más papeleo. Muchos tendrán miedo de contratar latinos temiendo que sean indocumentados. Algunos patrones serán multados por contratar al trabajador que realmente necesitan.

Pero en realidad las sanciones al empleador son sanciones al trabajador. Los miles de trabajadores y sus familias que no calificarán para la amnistía y tienen raíces en este país, serán puestos en una situación más explotable. Habrá patrones sin escrúpulos quienes los contratarán por sueldos aún más bajos y bajo peores condiciones, con pleno conocimiento de su situación. En 2 años más las sanciones al empleador pasarán a la revista. Urgimos a los gobiernos locales y federales que recomienden su abolición.

Legalización

RAZA SÍ /IOP trabaja y recibe llamadas a diario de personas bajo mucha presión a causa de lo incierto de su futuro puesto que no califican para la legalización. Algunos porque llegaron unos meses después de la fecha. Otros, deprimidos porque aunque entraron al país por la fecha necesaria, no han guardado documentos que prueben su caso. Tal vez solamente en los últimos 2 años han trabajado para un patrón legítimo y tienen documentos para probar su caso solo en esos años.

Las cláusulas de legalización son muy arbitrarias y aún más injustas por la manera restrictiva en que los reglamentos se están escribiendo. Nuestra organización siempre ha pedido la RESIDENCIA INCONDICIONAL para todos los indocumentados en el país. Esta es la única manera justa de lidiar con la situación.

Uno de los aspectos más destructivos del programa de legalización es que hay muchas familias donde algunos miembros califican y otros no. Urgimos al SIN Y a los miembros del Congreso participantes a que incluyan cláusulas en los reglamentos y adopten políticas que prevengan el rompimiento de la familia. Aplicaciones por familia deben ser aceptadas.


Otro problema es la definición de residencia continua. La persona es descalificada de la legalización si es que ha estado fuera del país por más de 180 días en el período de 5 años requerido. La intención de la ley es de legalizar a las buenas personas trabajadoras que han hecho hogar en E.U. Debe ser suficiente que prueben que su residencia principal está en este país.

No estamos de acuerdo que una previa deportación debe automáticamente excluir a la persona. Las razones por la deportación deben tomarse en cuenta, algunas personas han peleado su deportación porque aquí tienen su hogar.


Finalmente, no debe haber cuota de aplicación. La gente ya ha sido explotada demasiado. Nuestra comunidad no debe ser cómplice a esta explotación. Defendamos a estos productivos y orgullosos miembros de nuestra sociedad. Abajo la ley que explota y culpa a la víctima.

HOST COMMITTEE

Anti-Defamation League of B'nai B'irth
Association of Mexican-American
Educators
Hispanic Business and Professional
Association of Orange County
Latin Business Association of
Los Angeles County
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CELEBRATE OPEN HOUSE



HISPANIC

COMMUNITY

IMMIGRATION

EDUCATIONAL

OUTREACH

PROGRAM

HISPANIC COMMUNITY IMMIGRATION EDUCATIONAL OUTREACH PROGRAM

On November 6, 1986, President Ronald Reagan signed into law a new immigration reform bill. Provisions of the bill involve a legalization program for qualified persons and employer sanctions which make it illegal to hire persons without proper documents.

Hermanidad Mexicana Nacional, a 30 year old state-wide immigration advocacy and service non-profit organization, will be expanding its Immigration Educational Outreach Services Program (with assistance from local service organizations, unions and churches) to ensure that the Hispanic community is informed of and takes advantage of the benefits and rights provided under the new immigration bill, especially in regards to deportation, employment and legalization.

Because of the confusion of the new immigration bill and the fact that the bill will have a substantial impact in the Hispanic community, additional funds are needed to expand the Immigration Educational Outreach Services Program. All funds raised will be directly applied to the Program (i.e.; television and newspaper advertisements/announcements, posters, flyers, identification cards, citizenship information, etc.). Staffing expenses for the Program will be absorbed by Hermanidad's general operating fund.

Hermanidad does not solicit or accept government funding. All of its operating expenses, staffing, newsletter, postage, legal staff, etc. are supported by the Hispanic community, its membership and its friends. To be truly independent, Hermanidad requires the support of the many people who share the goal of a united immigration advocacy organization for the Hispanic community. Your tax deductible contribution is appreciated!



HISPANIC COMMUNITY IMMIGRATION EDUCATIONAL OUTREACH PROGRAM

You Are Cordially Invited To Spend An Evening
With

HON. CONGRESSMAN EDWARD ROYBAL

And

BERT CORONA,

National Organizer, Hermanidad Mexicana Nacional

Friday, February 13, 1987

6:00 P.M. To 10:00 P.M.

Hermanidad Mexicana Nacional

828 North Bristol

Suite 204

(Bristol Street/Civic Center Drive)

Santa Ana, California

FOOD AND MUSIC
HOSTED BAR
RSVP: 541-0250

All net proceeds to support the Hispanic Community Immigration Educational Outreach Program are tax deductible as provided by law.

U.S. Department of Justice

IMMIGRATION REFORM AND CONTROL ACT OF 1986:

A BALANCED APPROACH

Brengle Terrace Recreation Center
1200 Vale Terrace Drive, Vista, California
March 18, 1987

AGENDA

8:00 a.m.-9:00 a.m. Registration & Coffee

9:00 a.m.-9:10 a.m. Opening Remarks:

Dale Cozart, Chief Patrol Agent
San Diego Sector

9:10 a.m.-9:30 a.m. Today's Theme

James Turnage, District Director
San Diego District

9:30 a.m.-10:45 a.m. Legalization and Agricultural Workers Programs
Session A

1. Legalization

Moderator: Gene R. Smithburg, Assistant
Chief Patrol Agent
San Diego Sector

a. Statutory Requirements:

Marty Soblick, District Counsel
San Diego District

b. Implementation Plans:

Donna Coultice, INS Western Region
Immigration Reform Office

c. Outreach Program:

Cliff Rogers, Deputy District
Director, San Diego District

2. Agricultural Workers

Moderator: Mike Connell, Patrol Agent in
Charge, El Cajon Station,
San Diego Sector

a. Statutory Requirements
and Seasonal Agricultural
Workers:

Bill Veal, Patrol Agent in
Charge, Chula Vista Station,
San Diego Sector

b. H-2A Workers:

Edward A. Kelliher, Assistant
District Director, Examinations
San Diego District

c. Implementation Plans:

Art Shanks, Deputy District
Director, Legalization,
San Diego District

Gene R. Smithburg, Assistant
Chief Patrol Agent
San Diego Sector



SECRETARÍA
DE
RELACIONES EXTERIORES
CONSULADO GENERAL

DEPARTAMENTO DE PROTECCION.

NUM: 0447

EXP: 73-47/591.5

San Diego, California,
22 de abril de 1987.

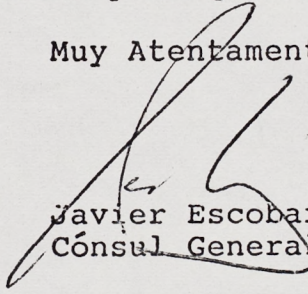
MEXICAN AMERICAN POLITICAL ASSOCIATION
NORTH COUNTY
454 PARKSIDE DRIVE
OCEANSIDE, CA. 92054

Han llegado a manos de esta Representación Consular cartas circulares que el Sr. Meldrim Thompson Jr. dirige al pueblo estadounidense.

Teniendo en cuenta el contenido de esos documentos y las consecuencias que pudieran derivarse de los mismos, he considerado conveniente que su Institución tenga conocimiento de esas comunicaciones.

Me es grato aprovechar la oportunidad para quedar de usted

Muy Atentamente.



Javier Escobar y Córdova.
Cónsul General.

Anexo.

JEC.Jchs.

STOP THE DRUG INVASION

a Campaign of Americans for Immigration Control
P.O. Box 37124 • Washington, D.C. 20013

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Palmer Stacy
Executive Director

Meldrim Thomson, Jr.
Former Governor, New Hampshire

Dear Fellow American,

Please sign the enclosed Petition to President Reagan.

Your Petition urges him to use the military to close our borders and stop the drug invasion.

America is awash in deadly, illegal drugs.

And much of it pours across our wide-open border with Mexico. In fact, U.S. Attorney General Ed Meese states:

"... the uncontrolled flow of illegal (aliens) across the (Mexican) border gives drug traffickers an ideal opportunity to get lost in the crowd. ... (T)he illegal (aliens) themselves are pressed into service as couriers for the drug traffickers."

Mexico won't stop the flow of illegal aliens and deadly drugs into our country. So we must.

Congress declared war on drugs and passed a big bill with a lot of money attached.

But that didn't close the Mexican border.

President Reagan opened up "Operation Alliance" with Mexico to fight the drug traffic.

But that didn't close the Mexican border.

Congress passed a major new immigration reform bill that gave amnesty to illegal aliens.

But that didn't close the Mexican border.

One agent for the Drug Enforcement Administration asked, "If this is a war on drugs, where is the military? If the Russians killed as many Americans as drugs, the politicians would be yelling and screaming."

This is an invasion, my friend. And our border with Mexico is wide open.

San Diego Sheriff John Duffy says, "No drug trafficking

6 APR AM

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Phyllis Schidasy
President, Eagle Forum
Former Governor Meldrim Thomson, Jr.
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U.S. Army

STOP THE DRUG INVASION AT THE BORDER / page two

effort will be worth a hoot until we regain control of our border. Illegal aliens and drug trafficking are inextricably linked with border control."

President Reagan has the authority to use the military to help close the border.

We must get him to use his authority. And now.

Do you realize that there are fewer Border Patrol agents on our 2,000-mile Mexican border than there are on the day-shift of the Philadelphia police force.

And that's just on the ground.

Every night major drug smugglers fly planes over the border and drop off their illegal cargoes. They're confident they won't get caught because they usually have better equipment than the Border Patrol or the Drug Enforcement Administration.

The San Diego Customs has no aircraft with night-time flying capability, nor any radar to track the drug flights.

Meanwhile millions of American children are taking these drugs, and many are dying every day.

And there's a new drug coming in.

Mexican "black tar" heroin.

Mexican black tar is cheaper to make, purer, more addictive, and more plentiful than other heroin. And more deadly.

Mexican black tar is so deadly and is so widespread that the U.S. Immigration and Naturalization Service has devoted 25% of its man-hours to a special Tar Heroin Task Force.

But with the border wide open, it's like spitting in the wind.

The Drug Enforcement Administration (D.E.A.) says illegal aliens and migrant workers are the primary smugglers of black tar heroin.

Illegal aliens bring in other drugs, too.

A special agent in charge of the New York region for the D.E.A. estimates that up to half of those arrested in New York City on charges of dealing in crack (a deadly illegal drug) are aliens.

STOP THE DRUG INVASION AT THE BORDER / page three

What's more, even liberal pro-alien Congressman Barney Frank admits: "There is no question lots of drug smugglers are illegal aliens."

That's why we must close our border with Mexico now.

And we must use the military to help do so.

If we are truly serious about stopping the drug invasion, then we have no other choice --

... we must convince President Reagan to call in the military to help close our border now.

Because this is a war. And we are losing it.

Congress' new anti-drug bill spends millions of dollars on drug education.

But we don't do a blessed thing to keep the drugs out.

We have hundreds of thousands of highly trained soldiers all over the world -- Marines, Rangers, Green Berets.

But they play poker in the barracks while the drugs pour across our borders to kill our children.

Let's get President Reagan to station a few thousand of these troops along our border to protect our children. Your signed Petition can help convince him to do this.

But your Petition alone won't be enough.

Remember, the liberals now control Congress -- both the House and Senate. President Reagan can't fight them and the special interest groups by himself.

We need to give him strong support for calling in the military. We need to give him enough Petitions that he can look the pro-alien liberals in the eye and say, "Look at this. This is what the American people want."

And we're gearing up right now to mail out another 500,000 Petitions all across America in the next 30 days.

Over the next three months we hope to mail two million.

And over the next twelve months, ten million.

That's our plan. That's our goal.

But right now we can't even get out that first batch of 500,000. We just don't have the \$175,000 we need to mail

STOP THE DRUG INVASION AT THE BORDER / page four

those first half million Petitions.

Can you help us out and send in a contribution along with your Petition to President Reagan?

All I need from you is \$25 or \$50.

Even \$15 or \$20 would be great. We need every penny we can get.

Of course if you can send us \$100 or more we'd be thrilled.

But send whatever you can. Whether it's \$20 or \$50 or whatever.

Because we have to move now.

We have to close our borders now.

We have to stop the ocean of drugs that are pouring into our schools and playgrounds from across our wide-open border with Mexico.

And I believe we can do it. If we can get enough Americans to sign their Petition to President Reagan to use the military to help guard the border.

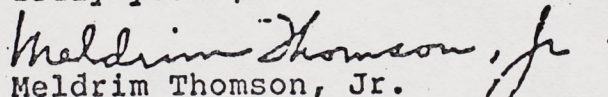
So please, right now while you're thinking about it,

... sign your Petition to President Reagan.

And then write out a check for \$25, or \$50, and enclose it with your Petition so we can reach that many more Americans.

I need to hear from you in the next few days.

Truly yours,


Meldrim Thomson, Jr.
Former Governor, New Hampshire

P.S. The Drug Invasion is a real war. These drug smugglers come in armed with machine guns and worse. And we're trying to stop them with toothpicks. We must use our military to help close our border to these invaders. And your Petition to President Reagan will help do that.

And on behalf of Americans for Immigration Control, thank you for your generous contribution.

Limit the Damage of Amnesty

a project of Americans for Immigration Control

Palmer Stacy
Executive Director

Meldrim Thomson, Jr.
Former Governor of New Hampshire

Dear Fellow American,

The illegal alien invasion threatens you with --

- ** higher taxes (an average of \$259 a year);
- ** exposure to contagious diseases (including AIDS and typhus);
- ** higher crime; and,
- ** more drugs smuggled into the United States,

Don't be fooled.

The immigration bill Congress passed last year will not end the flood of illegal aliens into the U.S.

I'll tell you why in a moment.

But first, to protect your rights as an American, I need your help to limit the damage the new immigration bill will cause. Specifically, you need to --

- (1) Sign and mail your enclosed postcards to your two U.S. Senators and your Congressman.
- (2) Answer your 1987 National Poll on Amnesty. Send me your poll so we can tally your answers with all the others we receive. We will send every member of Congress and the news media results of our poll.
- (3) Help rally one million Americans to this project to limit the damage from the immigration bill.

Now I promised you I would tell you why the new immigration bill will not end the invasion of illegal aliens into America.

I can tell you why in one word,

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Roanoke Bible College
Former Senator George L. Murphy

Phyllis Schlafly
President, Eagle Forum
Governor Meldrim Thomson, Jr. (Ret.)
General A. C. Wedemeyer (Ret.)
U.S. Army

LIMIT AMNESTY / page two

... amnesty.

Congress, has offered amnesty to millions of illegal aliens.

Let me repeat that.

Congress has decided to reward law-breaking, line-jumping illegal aliens with amnesty and the right to apply for U.S. citizenship.

How in God's name is this going to stop more illegal aliens from sneaking across our border?

It won't. And most Americans know it won't. Including members of Congress.

So why amnesty?

To please the special interest lobbies that control Congress. To please the labor unions who see illegal aliens as a source for more members. To please the Hispanic groups who carry a lot of clout in southwestern states like Texas, New Mexico, Arizona and California. And worst of all, to all but insure their re-election to Congress by "buying" the votes of these new "citizens".

That's what amnesty will do for the power-brokers in Congress.

Here's what amnesty will do for you and your loved ones --

- ... raise your taxes
- ... increase your risk of getting a contagious disease
- ... expose you to more crime
- ... step up the amount of drugs smuggled into the U.S.

As former governor of New Hampshire, I say Congress gave you the short end of the stick.

And I say it's high time we Americans who are left holding the bag stand up to Congress and tell it no more.

This will be a tough fight now that the liberals control both the Senate and the House.

Here's why.

The only two good things about the new immigration bill -- sanctions against employers who knowingly hire illegal aliens and increased funding for our outmanned U.S. border patrol -- are in serious jeopardy of being scuttled by the new liberal-controlled Congress.

In fact, liberal Senator Joseph Biden, the new chairman

of the Senate Judiciary Committee, has already stated on the Senate floor that he will emphasize anti-discrimination protections for aliens and amnesty; not stopping illegal immigration.

And the pro-alien special-interest groups and their flunkies in Congress want to cut back the increased funding scheduled to go to the border patrol so it can hire more agents.

As a result, under the liberal leadership in Congress, the new immigration bill will do the following:

1. Give amnesty to millions of illegal aliens.
2. Prohibit employers from hiring Americans rather than aliens.
3. Keep our outmanned border patrol handcuffed.
4. Fail to punish employers who knowingly hire illegal aliens.
5. Give a boost to black market forgers who will sell false documents to new illegal aliens that will "show" they've been in the U.S. so they can qualify for amnesty.

But far worse than any of those five items is this,

... because of amnesty, the millions of illegal aliens who get amnesty will be able to bring their immediate family members -- parents, spouses and children -- into the U.S. without those people having to wait out the immigration process.

Amnesty could mean an influx of 45,000,000 new people into the U.S., according to Congressman Bill McCollum, a congressional expert on illegal immigration and leader in the fight against amnesty.

There is no way our economy -- which produces 700,000 new jobs a year -- can handle 45,000,000 new citizens.

Who will pay for the food stamps and welfare benefits these new "citizens" get? Who will pay for the schooling of their children? Who will pay their Social Security benefits? Who will pay for their Medicare and Medicaid bills? Who will pay for their government-subsidized housing?

Again, I can tell you in one word --

... you. You and all hard-working taxpayers.

There isn't time or space to tell you about other risks

you face from illegal aliens.

Like the disease factor. How the AIDS virus is prevalent in Haiti and how many illegal aliens in the U.S. come from Haiti. Or about the typhoid fever spread near Washington, D.C. that came about from a foreign-born food handler at a popular fast foods restaurant.

I haven't time to tell you about the drug running that illegal aliens do for drug pushers. How they hide drugs in their clothing and bring it across the border with them at night. When they reach their destination they are paid for their work. And then those drugs are sent to our nation's schools and out onto Main Street, U.S.A.

I haven't time to tell you about the increased crime rate attributed to illegal aliens. How one-third of all jail inmates in San Diego are illegal aliens.

There isn't time to go into detail.

But there is time to act.

Although Congress passed this dreadful bill, there is still time to correct some of its fatal flaws.

The most glaring one is the "chain immigration" which I described. That is the provision that will allow amnestied illegal aliens to bring their relatives into the U.S.

To correct that flaw, Americans for Immigration Control, the nation's leading immigration control organization that fought -- and almost won -- the fight to stop amnesty for illegal aliens (we fell just seven votes short) has come up with a simple, two-phase bill to limit amnesty. It is this:

First, convince Congress to set strict, ironclad limits on the number of immigrants allowed to enter the U.S. each year. And,

Second, include the relatives of all amnestied illegal aliens in the ironclad quota of immigrants allowed into the U.S.

Today I'm calling on you and all patriotic and concerned Americans to act now to limit the damage from the 1986 immigration bill.

Today we need you to take the first step in making this happen.

First, sign and mail your enclosed postcards.

Your postcards go to your two U.S. Senators and your Congressman. Tell your lawmakers in Washington you want

action -- real action -- taken to resolve the illegal alien problem.

Second, answer your enclosed poll on amnesty for illegal aliens.

Your poll answers will be tallied with all the others we receive. The results of our poll will be published in our newsletter, Immigration Watch.

We will also send the results of our poll to every member of Congress as well as key people in the news media.

I believe our poll results will reinforce other nationwide polls which show the vast majority of Americans oppose giving amnesty to law-breaking illegal aliens.

Now that Congress has given amnesty to illegal aliens,

... we have to limit the damage of amnesty and try to control it as best we can.

If we fail to do this now, then the millions of illegal aliens now in the U.S. may become 45 million aliens in the next decade.

Don't let your politicians tell you the illegal alien problem is "solved". Nothing's solved. The problem is worse than ever.

And it's up to us to fix it.

Americans for Immigration Control has a proven track record that can win this fight for control of our borders.

That's why I endorse their work. And why I urge you to join our fight to limit the damage of amnesty for illegal aliens.

It's time we let Congress know we won't stand for any more of their foot-dragging.

And we've got to do it now. Your postcards and Poll answers will help.

But just as important is your financial support today.

To force Congress to correct its mistake we must show them millions of Americans stand with us -- ready to fight.

That means we have to get one million Americans to mail postcards and answer our NATIONAL POLL ON AMNESTY.

Will you help us reach those 1,000,000 Americans?

To print 1,000,000 Polls will cost \$22,000. To print

LIMIT AMNESTY / page six

1,000,000 postcards will cost \$18,000. To mail them will cost \$125,000 for postage.

Your \$20 contribution today -- coupled with all the other \$20 contributions we hope to receive -- will help pay these costs and others. And, in the process, get Congress to:

- (1) Set iron-clad limits on the number of immigrants allowed into the U.S. each year.
- (2) Include relatives of amnestied illegal aliens in this strict immigration quota.

Only in this way can we truly stop the flood of illegal aliens into America.

Again, I urge you to help today.

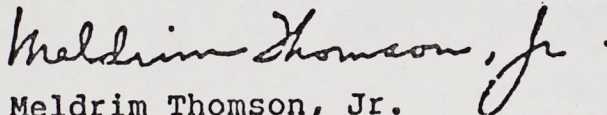
Sign and mail your postcards. Fill out your Poll and send me your answers today (results of the Poll will be published in an upcoming A.I.C. Immigration Watch newsletter).

I can tell you one thing.

If you choose to do nothing today, Congress will make sure you do something tomorrow. And that is pay higher taxes to support all the amnestied illegal aliens -- and their families -- who will end up on welfare.

Think about it.

Sincerely,



Meldrim Thomson, Jr.
Former Governor of New Hampshire

P.S. One further note, if you give \$15 or more to Americans for Immigration Control today, you will receive a one-year subscription to A.I.C.'s Immigration Watch newsletter absolutely FREE. That's our way of saying thank you for your help.

NATIONAL CENTER FOR IMMIGRANTS' RIGHTS

1636 WEST EIGHTH STREET, SUITE 215

LOS ANGELES, CALIFORNIA 90017

(213) 487-2531



M E M O R A N D U M

TO: Interested persons
FROM: Charles Wheeler
RE: Various Forms and Updated Information
DATE: April 23, 1987

We have enclosed various forms and updated information from INS and other sources regarding implementation of the legalization provisions of the new law. If your agency has not received the legalization application forms from INS, you can obtain them from your local Service Legalization Office or from the Superintendent of Documents in Washington, D.C.

Our enclosed materials include:

1. A copy of the Form I-687 (general legalization application).
2. A copy of the Form I-700 (SAW application).
3. A copy of the Form I-693 (Medical Examination).
4. INS memo on availability of forms.
5. Proposed regulations from the Dept. of Agriculture defining certain agricultural terms in the SAW legalization program.
6. Pamphlet in English and Spanish explaining employment rights under the new immigration bill.
7. Advertisement and order form for video in Spanish explaining the new immigration law.
8. For organizations on the west coast, a list of INS legalization offices for the Western region.

LEGALIZATION OFFICE AND SITE ADDRESSES, WESTERN REGION

<u>CODE</u>	<u>OFFICE</u>	<u>ADDRESS</u>
<u>XAH</u> M-50	Agana, Guam	Room 801, Pacific News Building 238 O'Hara St., Agana, Guam 96910
<u>XAH</u> M-250	Anaheim	Greenbriar Plaza 12912 Brookhurst Boulevard Garden Grove, CA 92640
<u>XBA</u> M-150	Bakersfield	1011 17th Street Bakersfield, CA 93301
<u>XCA</u> M-100	El Centro	Valley Plaza Center 1627 West Main Street El Centro, CA 92243
<u>XEM</u> M-250	El Monte	9660 Flair Drive El Monte, CA 91731
<u>XES</u> M-150	Escondido	463 North Midway Drive Escondido, CA 92027
<u>XEU</u> M-50	Eureka	714 Fourth Street Eureka, CA 95501
<u>XFR</u> M-150	Fresno	1649 Van Ness Avenue Fresno, CA 93721
<u>XHO</u> M-150/250+	Hollywood	1671 Wilshire Boulevard Los Angeles, CA 90017
<u>XHL</u> M-150/250	Honolulu	1680 Kapiolani Boulevard Honolulu, HI 96814
<u>XHP</u> M-150/250	Huntington Park	6022 Santa Fe Avenue Huntington Park, CA 90255
<u>XID</u> M-100	Indio	83-588 Avenue 45, Suite 8 Indio, CA 92201
<u>XLV</u> M-150	Las Vegas	3055 South Valley View Las Vegas, NV 89102
<u>XLB</u> M-150	North Long Beach	9858 Artesia Boulevard Bellflower, CA 90706
<u>XLA</u> M-250	East Los Angeles	1241 South Soto Street Los Angeles, CA 90023
<u>XNK</u> M-150	Norwalk	7342 Orangethorpe Avenue Buena Park, CA 90621

<u>CODE</u>	<u>OFFICE</u>	<u>ADDRESS</u>
<u>XOA</u> M-150/250-	Oakland	1401 Lakeside Drive Oakland, CA 94612
<u>XOX</u> M-100	Oxnard	400 South "A" Street Oxnard, CA 93030
<u>XPH</u> M-150/250+	Phoenix	3420 South Seventh Street Phoenix, AZ 85040
<u>XPO</u> M-250	Pomona	960 East Holt Boulevard Pomona, CA 91767
<u>XRE</u> M-100	Redding	1401 Gold Street Redding, CA 96001
<u>XRO</u> M-50	Reno	350 South Rock, Unit "B" Reno, NV 89502
<u>XRV</u> M-150	Riverside	1285 Columbia Avenue Riverside, CA 92507
<u>XSC</u> M-200	Sacramento	3041 65th Street Sacramento, CA 95820
<u>XSI</u> M-150	Salinas	947 Blanco Circle Salinas, CA 93901
<u>XSD</u> M-150/250+	San Diego	3247 Mission Village Drive San Diego, CA 92123
<u>XSR</u> M-150	San Fernando	16921 Parthenia Street Sepulveda, CA 91343
<u>XSF</u> M-250	San Francisco	1727 Mission Street San Francisco, CA 94103
<u>XSO</u> M-150	San Jose	1040 Commercial Street San Jose, CA 95112
<u>XSA</u> M-250	Santa Ana	1901 South Ritchey Street Santa Ana, CA 92705
<u>XST</u> M-150	Stockton	7475 Murray Drive Stockton, CA 92705
<u>XTO</u> M-250	Torrance	555 W. Redondo Beach Boulevard Gardena, CA 90248
<u>XTU</u> M-150	Tucson	4600 South Park Tucson, AZ <u>85714</u>

CODEOFFICEADDRESSXVX
M-250

Van Nuys

11307 Vanowen Street:
North Hollywood, CA 91605XWX
M-50

Willcox

281 West Maley
Willcox, AZ 85643XYU
M-50

Yuma

1325 West 16th Street:
Yuma, AZ 85364

"UNA CHARLA SOBRE LA NUEVA LEY DE INMIGRACION"

(A DISCUSSION OF THE NEW IMMIGRATION LAW)

This is a 30-minute VHS video cassette in the Spanish language. The video gives an overview of the new Immigration Reform and Control Act of 1986 in two sections. The first part, entitled "Como Calificar Bajo La Nueva Ley de Amnestia," discusses in detail the eligibility factors for:

- *Legalization
- *Special Agricultural Workers (SAW's)
- *Registry
- *Employer Sanctions

The second part of the video entitled "Documentos y Formularios Necesarios Para la Legalizacion", discusses and lists the types of documents needed to meet the requirements of identity, residence, and financial responsibility for the legalization and SAW programs.

The tape is designed to provide clients with the basic information necessary to apply for legalization under the new immigration bill. The video tape is currently being used in group community education meetings in the Los Angeles area to inform persons about the fundamentals of the law, and to give answers to the most frequently asked questions. This tape is a joint production of El Rescate, the Center for Law and Justice, the Immigrants' Rights Office, and NCIR.

The tape is available in VHS (1/2 inch) video cassette for \$10.00, which covers the costs of production, duplication and mailing. If you are interested in purchasing a copy of the tape, complete the order form below and include a check in the amount of \$10.00, payable to NCIR. Copies of NCIR's short flyer in Spanish, outlining the basic provisions of the law, will accompany the tape.

PLEASE SEND OUR AGENCY A COPY OF THE VIDEO TAPE ON THE NEW IMMIGRATION LAW. ENCLOSED IS A CHECK IN THE AMOUNT OF \$10.00 MADE PAYABLE TO "THE NATIONAL CENTER FOR IMMIGRANTS' RIGHTS". MAIL THIS TO:

National Center for Immigrants' Rights
1636 W. 8th Street
Suite 215
Los Angeles, CA 90017

NAME: _____

AGENCY: _____

ADDRESS: _____

TELEPHONE: () _____

NEWS

United States
Department of
Agriculture

USDA News Division
Room 404-A
Washington, D.C. 20250

Office of
Information

Sally Michael (202) 447-5955
Arthur Whitmore (202) 447-4026

USDA PROPOSES CERTAIN DEFINITIONS FOR AGRICULTURAL TERMS IN IMMIGRATION ACT

WASHINGTON, April 21--The U.S. Department of Agriculture has proposed definitions of "fruits, vegetables, and other perishable commodities," -- a key component in immigration reform efforts.

Under the 1986 Immigration Reform Act, the definitions would determine in part the criteria for eligibility for temporary legal status of qualified aliens involved in seasonal agricultural work in the United States.

The 1986 Act recognized that some of the seasonal workers involved in producing and harvesting U.S. agricultural commodities are illegal aliens. The Act allows temporary legal status for qualified aliens who performed seasonal agricultural services in the United States for specified periods of time before May 1, 1986.

In the language of the Act, seasonal agricultural services is defined as "field work related to planting, cultural practices, cultivating, growing and harvesting of fruits and vegetable of every kind and other perishable commodities, as defined in regulations by the Secretary of Agriculture."

USDA's proposal sets forth regulations defining certain agricultural terms required by the Act. Under the proposal the following terms are specified or defined:

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"Other perishable commodities" -- those commodities that do not meet the definition of fruits or vegetables, that are produced as a result of seasonal field work, and for which the cultivation and production entail critical and unpredictable labor demands. The proposed list includes: Christmas trees, cut flowers, herbs, hops, horticultural specialities, spanish reeds, spices, sugarbeets and tobacco.

Excluded from the definition of "other perishable commodities" would be commodities that are not produced as a result of field work, or for which production and harvesting do not entail critical and unpredictable labor demands. These include aquacultural products, birds, cotton, dairy products, earthworms, fish (including oysters and shellfish), fur-bearing animals and rabbits, hay and other forage and silage, honey, horses and other equines, livestock of all kinds including animal specialities, poultry and poultry products, trees, soybeans, sugar cane, wildlife and wool.

"Critical and unpredictable labor demands" -- refers to a 60-day period when field work is to be initiated which cannot be predicted with certainty.

"Field work" -- any employment performed on agricultural lands for planting, cultural practices, cultivating, growing, harvesting, drying, processing or packing any fruits, vegetables or other perishable commodities. Field work has to be performed on agricultural land to produce fruits, vegetables and other perishable commodities. Field work does not refer to activities that occur in a processing plant or packinghouse. However, drying, processing or packing in the field and on-field loading of transportation vehicles are included in the definition of field work.

"Fruits" -- the edible (by humans) parts of plants that consist of the mature ovaries and fused other parts of structures which develop from flowers or inflorescence.

"Vegetables" -- the edible (by humans) leaves, stems, roots or tubers of herbaceous plants.

"Horticultural specialities" -- field-grown, containerized, and greenhouse-produced nursery crops including juvenile trees; shrubs; seedlings; budding, grafting and understock; fruit and nut trees; small fruit plants; vines; groundcovers; foliage and potted plants; cut flowers; herbaceous annuals; biennials and perennials; bulbs; corms; and tubers.

"Seasonal" -- refers to employment performed exclusively at certain seasons or periods of the year. The proposed rule notes that a worker who moves from one seasonal activity to another while employed in agriculture or performing agricultural labor is employed on a seasonal basis even though the employment may continue throughout the year.

The proposed rule will be published in the April 22 Federal Register. Comments on the proposal may be submitted by May 13 to Al French, Acting Special Assistant for Labor Affairs, Office of the Assistant Secretary for Economics, Room 227E, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 447-4737.

BILLING CODE 3410-01

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1d

Rural Labor

AGENCY: Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: Section 302(a) of the Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, (hereinafter referred to as the "Act") states that "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." This authorized the Secretary of Agriculture to publish regulations defining the fruits, the vegetables, and the other perishable commodities in which the field work related to planting, cultural practices, cultivating, growing, and harvesting will be considered "seasonal agricultural services" for the purposes of the Act. This notice proposes regulations to define the words and terms necessary to carry out the responsibility of the Secretary under section 302(a) of the Act.

DATE: Comments must be received no later than [21 days after date of publication in the Federal Register].

ADDRESS: Send comments to room 227-E, United States Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C. 20250. Written comments received may be inspected in Room 227-E of the Administration Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Al French, Acting Special Assistant (for Labor Affairs) to the Assistant Secretary for Economics, Room 227-E, United States Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C. 20250, phone (202) 447-4737.

SUPPLEMENTARY INFORMATION:

Background

The Act makes it illegal for employers to employ, recruit, or hire undocumented aliens in the United States and imposes penalties upon employers who violate the Act. This prohibition implements one of the purposes of the Act, which is to reduce the flow of illegal aliens into the United States, in part, by reducing the incentive of the employment opportunities available in this country. At the same time, Congress recognized that many of the agricultural employers in the nation were dependent upon illegal alien workers to meet their

production and harvesting needs. To address the needs of those agricultural employers, the Act created the Special Agricultural Workers program.

Prior to the enactment of the Act, the Immigration and Nationality Act established a program for the importation of alien workers to perform temporary services or labor. 8 U.S.C. 1101(a)(15)(H)(ii)(b). The H-2 program, as it is popularly referred to, provides for the employment of temporary alien workers by employers certified by the Department of Labor to have a shortage of qualified domestic workers. The existing H-2 program was deemed to be insufficient to meet the needs of certain agricultural employers. In an effort to fulfill the labor requirements of such employers, Congress created the H-2A program in the Act. 8 U.S.C. 1101(a)(15)(H)(ii)(a). The H-2A program in essence is a revised version of the H-2 program with shorter time requirements.

As a result of testimony offered by agricultural employers in hearings, Congress was convinced that the H-2A program was too structured to meet the needs of certain "agricultural interests, particularly western growers of perishable agricultural commodities . . . who have come to rely heavily on the existence of an undocumented work force." p. 83, H.R. Rep. No. 682, Part 1, 99th Cong., 2nd Sess. (1986). In a further effort to meet the needs of these growers of perishable agricultural commodities, the Act amended the Immigration and

Nationality Act to create a class of immigrant aliens called Special Agricultural Workers. Section 302 of the Act. The Special Agricultural Workers program is restricted to aliens who have resided and worked in the United States for qualifying periods identified by the Act while performing seasonal agricultural services. "Seasonal agricultural services" are defined by the Act to be "field work related to planting, cultural practices, cultivation, growing, and harvesting of fruits and vegetables of every kind and other perishable commodities, as defined by the Secretary of Agriculture."

Under the Special Agricultural Workers program of the Act, alien workers that have performed seasonal agricultural services in this country for a prescribed period of time are permitted to apply for temporary residence in the United States. The proposed rule essentially determines the particular fruits, vegetables, and other perishable commodities in which an alien worker may perform field work to qualify as having performed seasonal agricultural services. The Immigration and Naturalization Service (INS) accepts applications from the alien workers and considers them in light of the proposed rule. The INS will determine which special agricultural workers shall be admitted into the United States for temporary residence.

Explanation

The legislative history of the Act indicates that Congress considered several different factors which could be used to help in identifying other perishable commodities. Included among the factors considered were, whether the field work is seasonal, and whether the labor demand is unpredictable. The legislative history does not reflect clearly congressional intention on the meaning of "fruits and vegetables of every kind."

In an effort to comply with congressional intent regarding the fruits, vegetables, and other perishable commodities to be included within the definition of "seasonal agricultural services," consideration was given to creating an exhaustive list of the commodities to be included and to seeking an extant list of commodities that included the necessary commodities. Lists are cumbersome and rarely exhaustive. For that reason, broad, generic definitions are being proposed.

The effort in carrying out the responsibility of the Secretary of Agriculture to promulgate definitions also entailed defining several other terms in this proposed rule. The terms defined in the proposed rule are "critical and unpredictable labor demands," "field work," "fruits," "horticultural specialties," "other perishable commodities," "seasonal," "seasonal agricultural services," and "vegetables." A definition for each of these terms is needed

to understand the fruits, vegetables, and perishable commodities that are to be included within the definition of "seasonal agricultural services."

"Critical and unpredictable labor demands" is defined to make it clear that the use of alien workers is predicated upon unpredictable circumstances and the more immediate needs for labor which result from those circumstances. Typical of the circumstance which creates the critical, yet unpredictable demand for labor is weather or other climatic conditions. As a result, a labor force would be needed on short notice.

"Field work" is defined to clarify the types of activities that workers may perform on agricultural land that will qualify as "seasonal agricultural services."

"Fruits" is defined in general botanical terms.

"Horticultural specialties" is defined to identify a group of perishable commodities that are neither fruits nor vegetables; but are produced as a result of seasonal field work and have critical and unpredictable labor demands.

"Other perishable commodities" is defined to include a broad group of commodities that are neither fruits nor vegetables; but are produced as a result of seasonal field work, and have critical and unpredictable labor demands.

"Seasonal" is defined to delineate the period during which any seasonal agricultural service is performed. The definition makes it clear that a person who is employed seasonally may

still be employed throughout the year while performing different seasonal agricultural services.

"Seasonal agricultural services" is defined exactly as set out in the Act.

"Vegetables" is defined in general botanical terms.

The Secretary determined that the term "fruits and vegetables of every kind" leaves little discretion in the identification of the particular fruits and vegetables to be included within the definition of "seasonal agricultural services."

Adoption of a botanical definition is reasonable because of its clear scientific basis. It is recognized that this approach, while scientifically and legally sound, could lead to certain commonly perceived incongruities. C. Wilson and W. Loomis, Botany (5th Ed. 1971) note the popular misconceptions regarding fruits and vegetables:

Confusion beclouds the use of the terms fruit and vegetable. Many fruits, such as the tomato, squash, cucumber, corn, and eggplant are popularly called vegetables. From a botanical standpoint these are fruits, and they may be distinguished from vegetables if the definition of fruits is kept in mind. A fruit always develops from a flower and is always composed of at least one ripened and mature ovary with which may be fused other parts or structures associated with the flower. Any edible part of a plant that does not conform to this definition of a fruit should be classified a vegetable.

While the botany literature in defining fruits and vegetables makes reference to their being edible, it is clear from the context in which these definitions are discussed that

the reference is to consumption of the fruit or vegetable by humans. Thus, "human edible" has been made an explicit part of the botanical definitions of fruits and vegetables in this proposed rule.

The requirement in the proposed rule that the fruits or vegetables be human edible comports with congressional intent, especially given the distinction drawn by Congress between fruits and vegetables as opposed to other perishable commodities. While the broad botanical definitions in this proposed rule include virtually all fruits and vegetables, it is estimated that few additional alien workers will be eligible to be admitted as Special Agricultural Workers as a result. "Other perishable commodities" is essentially a listing of those commodities that are not fruits or vegetables; but are produced as a result of seasonal field work, and have critical and unpredictable labor demands.

The commodities excluded do not meet these criteria. For example, certain commodities are excluded because they are not produced as a result of field work as that term is defined in this proposed regulation. Commodities excluded based upon this expression of congressional intent include birds, livestock, animal specialties and the like.

Regulatory Impact

USDA has reviewed this proposed rule in accordance with Executive Order No. 12291 and has determined that it is not a major rule. Under the framework of the Act, the INS will use

this proposed rule to assist it in determining which special agricultural workers will be admitted to the United States for temporary residence. Thus, the primary benefits of this proposed rule are internal to the operation of the United States government.

This action, in and of itself, will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individuals, Federal, state, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This proposed rule defines fruits, vegetables, other perishable commodities, and other related and necessary terms to clarify the term "seasonal agricultural services." The proposed rule does not contain any compliance or reporting requirements, or any timetables. The proposed rule will assist the INS in determining the special agricultural workers to be admitted for temporary residence. Thus, the proposed rule, in and of itself, will have no significant impact upon small entities.

Paperwork Reduction Act

This proposed rule does not require additional procedures or paperwork not required already by law. Therefore, the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3502 et seq.) are inapplicable.

National Environmental Policy Act

This proposed rule will not have an impact upon the environment.

List of Subjects in 7 CFR Part 1d

Immigration, Rural Labor

PART 1d - RURAL LABOR --IMMIGRATION REFORM AND CONTROL ACT OF 1986 -- DEFINITIONS

1. In 7 CFR a new Part 1d "Rural Labor - Immigration Reform and Control Act of 1986 - Definitions" is proposed to be added after Part 1c, to read as follows:

PART 1d - RURAL LABOR - IMMIGRATION REFORM AND CONTROL ACT OF 1986 - DEFINITIONS

Sec.

1d.1 Scope.

1d.2 Critical and unpredictable labor demands.

1d.3 Field work.

1d.4 Fruits.

1d.5 Horticultural specialties.

1d.6 Other perishable commodities.

1d.7 Seasonal.

ld.8 Seasonal agricultural services.

ld.9 Vegetables.

Authority: Section 302(a) of Pub. L. No. 99-603, 100 Stat. 3422.

PART 1d - RURAL LABOR - IMMIGRATION REFORM AND CONTROL ACT OF 1986 - DEFINITIONS

§ 1d.1 Scope.

The following definitions are applicable only to the Immigration Control and Reform Act of 1986, Pub. L. No. 99-603, and are published to fulfill the Secretary's responsibilities under that Act. Unless otherwise indicated, any list in this part is for illustrative purposes and is not intended to be an exclusive list of all of the commodities to be included or excluded.

§ 1d.2 Critical and unpredictable labor demands.

"Critical and unpredictable labor demands" means that a 60 day period during which field work is to be initiated cannot be predicted with any certainty.

§ 1d.3 Field work.

"Field work" means any employment performed on agricultural lands for the purpose of planting, cultural practices, cultivating, growing, harvesting, drying, processing, or packing any fruits, vegetables, or other perishable commodities. These activities have to be performed on agricultural land in order to produce fruits, vegetables, and other perishable commodities, as opposed to those activities

that occur in a processing plant or packinghouse. Thus, the drying, processing, or packing of fruits, vegetables, and other perishable commodities in the field and the "on the field" loading of transportation vehicles are included. Operations using a machine, such as a picker or a tractor, to perform these activities on agricultural land are included. Supervising any of these activities shall be considered performing the activities.

§ 1d.4 Fruits.

"Fruits" means the human edible parts of plants which consist of the mature ovaries and fused other parts or structures, which develop from flowers or inflorescence.

§ 1d.5 Horticultural specialties.

"Horticultural specialties" means field grown, containerized, and greenhouse produced nursery crops which include juvenile trees, shrubs, seedlings, budding, grafting and understock, fruit and nut trees, small fruit plants, vines, ground covers, foliage and potted plants, cut flowers, herbaceous annuals, biennials and perennials, bulbs, corms, and tubers.

§ 1d.6 Other perishable commodities.

"Other perishable commodities" means those commodities which do not meet the definition of fruits or vegetables, that are produced as a result of seasonal field work, and have critical and unpredictable labor demands. This includes

Christmas trees, cut flowers, herbs, hops, horticultural specialties, spanish reeds (arundo donax), spices, sugar beets, and tobacco. Commodities that do not experience critical and unpredictable labor demands such as aquacultural products, birds, cotton, dairy products, earthworms, fish including oysters and shellfish, fur bearing animals and rabbits, hay and other forage and silage, honey, horses and other equines, livestock of all kinds including animal specialties, poultry and poultry products, trees, soybeans, sugar cane, wildlife, and wool, are not considered perishable commodities.

§ 1d.7 Seasonal.

"Seasonal" means the employment pertains to or is of the kind performed exclusively at certain seasons or periods of the year. A worker who moves from one seasonal activity to another, while employed in agriculture or performing agricultural labor, is employed on a seasonal basis even though he or she may continue to be employed during the year.

§ 1d.8 Seasonal agricultural services.

"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.

Memorandum



WRREF 5211/26.13

Subject

Legalization Forms and Availability

Date

April 17, 1987

To

All Program Managers
All District Directors
All Chief Patrol Agents

From

ROREF

Pursuant to a phone conversation with Mike Landon, COLEG, this date, the following information was obtained in regards to legalization forms. The information provided may be given to the public in response to their requests for forms.

ADDRESS: Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

PHONE: (202)-783-3238

Forms may be ordered by contacting the above and giving the following information:

Form I-687	Stock number:	027-002-00336-5,	\$27.00
Form I-700	Stock number:	027-002-00337-3	\$27.00
Form I-693	Stock number:	027-002-00340-3	\$27.00
Form I-705	Stock number:	027-002-00339-0	\$13.00

All forms are available for sale as of April 15, 1987 and come in lots of 100.

Prices above are per 100 forms.

William S. King Jr.

William S. King Jr.
Director, Immigration Reform
Western Region

I-700 Instructions - Page 1
(Conditions of Application)

Please carefully read all of the instructions: The fee will not be refunded.

Failure to follow instructions may require return of your application and delay final action. If your application is returned, no further action will be taken. You must resubmit your application with the requested documentation or information to renew processing.

Applications for temporary resident status as a special agricultural worker must be submitted (or resubmitted) by November 30, 1988. Failure to do so will make the applicant ineligible for the benefit sought.

1. Preparation of Application and Filing: A separate application for each applicant must be typewritten or printed legibly in ink. Applications by family members must be submitted together in order to receive the reduced family fee structure identified in item #5 of the instructions. The application must be completed in full. If extra space is needed to answer any item, attach a continuation sheet and indicate the item number. Various organizations and individuals (Qualified Designated Entities) have been designated by the Attorney General to assist applicants in the preparation of their applications.

Applicants who have been in the United States since November 6, 1986 may file their applications in the United States with a legalization office of the Immigration and Naturalization Service or with a Qualified Designated Entity. All others must file their applications outside the United States at a location designated by the nearest American Consulate.

2. Penalties for False Statements in Applications: Whoever files an application for adjustment of status under Section 210 of the Act and who 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 creates or supplies a false writing or document for use in making such an application will be subject to criminal prosecution and/or deportation.

3. Eligibility: Applicants may be eligible for temporary residence in either the Group I or Group II classification.

(a) Group I

An applicant who can establish that he/she has performed seasonal agricultural services (field work in perishable commodities) in the United States for at least 90 man days during each of the 12 month periods ending on May 1, 1984, 1985, and 1986, and resided in the United States for an aggregate of 6 months in each 12 month period.

(b) Group II

An applicant who can establish that he/she has resided and performed seasonal agricultural services (field work in perishable commodities) in the United States for at least 90 man days during the 12 month period ending on May 1, 1986.

4. Ineligible Classes: The following classes of aliens are ineligible for temporary residence as special agricultural workers:

(a) An alien who has assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion;

(b) An alien who at any time was a nonimmigrant exchange visitor under Section 101(a)(15)(J) of the Act who is subject to the two year foreign residence requirement unless the alien has complied with that requirement or the requirement has been waived pursuant to the provisions of Section 212(e) of the Act.

Authority for Collecting this Information: The authority to prescribe this form is contained in the "Immigration Reform and Control Act of 1986." The information is necessary to determine whether a person is eligible for the immigration benefit sought. Information on race is requested in question #9 for statistical purposes only. You do not have to give this information. All other questions must be answered. Failure to do so may result in the denial of the application.

Confidentiality: The information provided in this application is confidential and may only be used to make a determination on the application or for enforcement of the penalties for false statements referred to in instruction #2. The information provided is subject to verification by the Immigration and Naturalization Service.

5. **Fees:** A fee of one hundred eighty-five dollars (\$185.00) for each application, or fifty dollars (\$50.00) for each application for a minor child (under 18 years of age) is required at the time of filing with the Immigration and Naturalization Service. The maximum amount payable by a family (husband, wife, and any minor children) shall be four hundred twenty dollars (\$420.00). The fee is not refundable regardless of the action taken on the application. A separate cashier's check or money order must be submitted for each application. **All fees must be submitted in the exact amount.** No cash or personal checks will be accepted. The cashier's check or money order must be made payable to "Immigration and Naturalization Service" unless applicant resides in the Virgin Islands or Guam. (Applicants residing in the Virgin Islands make cashier's checks or money orders payable to "Commissioner of Finance of the Virgin Islands". Applicants residing in Guam make cashier's check or money order payable to "Treasurer, Guam".)
6. **Photographs:** Submit two (2) color photographs of yourself taken within thirty (30) days of the date of this application. These photos must have a white background, be glossy, unretouched, and not mounted; dimension of facial image should be about one inch from chin to top of hair; you should be shown in 3/4 frontal view showing right side of face with right ear visible; using pencil or felt pen, lightly print your name on the back of each photograph. Failure to comply with the above instructions will result in the return of the application without further action.
7. **Fingerprints:** A completed fingerprint card (Form FD-258) must be submitted by each applicant 14 years of age or older. Fingerprint cards with instructions for their completion are available at Qualified Designated Entity offices. Applicants in the United States may be fingerprinted by law enforcement offices, Qualified Designated Entities, or other reputable persons or organizations. Applicants outside of the United States may be fingerprinted at an American Consulate. The fingerprint card (FD-258) on which the prints are submitted, the ink used, and the quality and classifiability of the prints must meet standards prescribed by the Federal Bureau of Investigation. The card must be signed by you in the presence of the person taking your fingerprints, who must then sign his/her name and enter the date in the spaces provided. It is important to furnish all the information called for on the card.
8. **Interview:** You will be required to be present for a personal interview by either an officer of the Immigration and Naturalization Service or an American consul. In most locations, interviews will be scheduled subsequent to receipt of the application.
9. **Documents - General:** All documents must be submitted in the original. If the return of original documents is desired, each must be accompanied by copies certified as true and correct by your representative or designated Qualified Designated Entity in the format prescribed in 8 CFR 204.2 (j)(1) or (2). Certified copies unaccompanied by original documents are unacceptable. All original documents submitted without certified copies become the property of the Attorney General and will be retained by the Service. Any document in a foreign language must be accompanied by a summary translation into English. A summary translation is a condensation or abstract of the document's text but includes all pertinent facts. The translator must certify that he/she is competent to translate into English and that the translation is accurate.
10. **Documents to Establish Identity:** The following list gives examples of the types of documents the Immigration and Naturalization Service will consider as evidence to establish your identity. This list is not all inclusive and other evidence may be considered if none of the following is available:
- Birth Certificate, Baptismal Certificate, or other evidence of birth
 - Passport
 - National Identification Card from country or origin
 - Driver's License
 - School Identification Card
 - State Identification Card
11. **Documents to Establish Admissibility:**
- (a) Medical Report of Examination (Form I-693).
 - (b) Evidence of Income: During periods of residence in the United States examples of documents which may be used as evidence of financial support or income include:
 - Documents listed in item #13.
 - Letters from employers which illustrate full-time employment.
 - W-2 Tax Records or other wage records.
 - Bank statements or evidence of other assets.
 - Form I-134 (Affidavit of Support) completed by a responsible person in the United States.
 - Any other evidence to establish that the applicant is not likely to become a public charge.
 - (c) An application for a Waiver of Grounds of Excludability (Form I-690) may be required if you answer any of the items 26 through 29 in the affirmative.
12. **Documents to Establish Residence:** Examples of documents which may be submitted to establish residence in the United States during the requisite period(s) include:
- Employment records
 - Leases
 - Birth certificates of children born in the United States
 - Church records
 - Medical records
13. **Documents to Establish Qualifying Employment:** Examples of documents which may be submitted to prove employment as a Seasonal Agricultural Worker include;
- Government employment records.
 - Employment records kept by growers, their foremen, farm labor contractors, unions.
 - Affidavits executed under oath by persons with specific knowledge of the applicant's employment.
 - Other reliable documentation as the alien may provide, such as pay stubs, work receipts and worker identification cards.
- Documentation provided by Special Agricultural Workers is subject to employer corroboration.

Please begin with item #1, after carefully reading the instructions.

The block below is for *Government Use Only*.

Name and Location (City or Town) of Qualified Designated Entity	Fee Stamp
	Fee Receipt No. (This application)
	Principal Applicant's File No. A -
Qualified Designated Entity I.D. No.	File No. (This applicant) A -

Applicant: Do not write above this line. See instructions before filling in application. If you need more space to answer fully any question on this form, use a separate sheet and identify each answer with the number of the corresponding question. *Fill in with typewriter or print in block letters in ink.*

1. I hereby apply for status as indicated by the block checked below (check block A or B).

A Group I: Temporary Residence as an alien who has performed seasonal agricultural services in the U.S. for at least 90 days during each of the 12 month periods ending on May 1, 1984, 1985, and 1986.

B Group II: Temporary Residence as an alien who has performed seasonal agricultural services in the U.S. for at least 90 days during the 12 month period ending on May 1, 1986.

2. Family Name (Last Name in CAPITAL Letters) (First Name) (Middle Name) 3. Date of Birth (Month/Day/Year)

4. Other Names Used or Known by (Including maiden name, if married) 5. Telephone Numbers (Include Area Codes)
Home:
Work:

6. Address (No. and Street) (Apt. No.) (Town or City) (State/Country) (ZIP/Postal Code)

7. Last Address outside the U.S. (City or Town) (County, Province or State) (Country)

8. Sex Male Female 9. Race Asian or Pacific Islander Black, not of Hispanic origin White, not of Hispanic origin Other (specify below)

10. Marital Status Never Married Divorced Widowed Now Married Separated 11. Country of Citizenship

12. Place of Birth (City or Town) (County, Province or State) (Country)

13. Have you previously applied for temporary residence as a Special Agricultural Worker?
 No Yes (if "Yes" give date, place of filing, and final disposition, if known)

14. Do you have any other record with I&NS?
 No Yes [If "Yes" give number(s)]
A - _____
Other _____

15. When did you last come to the U.S.? (Month/Day/Year) 16. Manner of Entry (Visitor, Student, Crewman, etc.)
 With visa (visitor, student, etc.) specify _____
 Without visa

17. Place of Last Entry
 U.S. Port of entry (City and State) _____
 Border - Not through port (State) _____

18. List all Social Security Numbers used.
(1) _____ (3) _____
(2) _____ (4) _____

19. Mother's Name (Maiden) (Last) (First) Living Deceased (year) _____

20. Father's Name (Last) (First) Living Deceased (year) _____

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21. To assist in establishing the required residence, please list all affiliations or associations with clubs, organizations, churches, unions, businesses, etc.

Name of Organization	Location	From (Month/Year)	To (Month/Year)

22. Fieldwork in perishable commodities from May 1, 1983 through May 1, 1986 (List most recent first).

Information concerning employment in the United States is subject to corroboration by the employer.

Name of Employer	Farm Name and Location (State and County)	From (Month/Year)	To (Month/Year)	Days Worked	Type of Field Work	Type of Crop	Documentation

23. List all periods of residence in the United States since May 1, 1983 and means of support. Begin with your present address (attach an additional sheet if necessary).

Street Name and Number (Apt. No.)	City	State and ZIP Code	Means of Support	From (Month/Year)	To (Month/Year)
					Present

24. I have | have 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.

25. I have | have not received public and cash assistance from any source, including, but not limited to, the United States Government, any state, county, city or municipality. (if you have, explain, including the name(s) and Social Security number(s) used.)

26. I have | have not been treated for a mental disorder, drug addiction or alcoholism.

27. I have | have not been arrested, convicted or confined in a prison.

28. I have | have not been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action.

29 Applicants for status as Temporary Residents must establish that they are admissible to the United States. Except as otherwise provided by law, aliens within any of the following classes are not admissible to the United States and are therefore ineligible for status as Temporary Residents.

- A. Aliens who have committed or who have been convicted of a crime involving moral turpitude (does not include minor traffic violations).
- B. Aliens who have been engaged in or who intend to engage in any commercialized sexual activity.
- C. Aliens who are or at any time have been anarchists, or members of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate thereof.
- D. Aliens who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization:
 - 1) Opposition to organized government;
 - 2) The overthrow of government by force or violence;
 - 3) The assaulting or killing of government officials because of their official character;
 - 4) The unlawful destruction of property;
 - 5) Sabotage; or
 - 6) The doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States.
- E. Aliens who intend to engage in activities prejudicial to the national interests or unlawful activities of a subversive nature.
- F. Aliens who, during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with:
 - 1) The Nazi government in Germany;
 - 2) Any government in any area occupied by the military forces of the Nazi government in Germany;
 - 3) Any government established with the assistance or cooperation of the Nazi government of Germany;
 - 4) Any government which was an ally of the Nazi government of Germany;

ordered, incited, assisted or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.

Do any of the above classes apply to you? No

- G. Aliens who have been convicted of a violation of any law or regulation relating to narcotic drugs or marihuana, or who have been illicit traffickers in narcotic drugs or marihuana.
- H. Aliens who have been involved in assisting any other aliens to enter the United States in violation of the law.
- I. Aliens who have applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and who have been relieved or discharged from such training or service.
- J. Aliens who are mentally retarded, insane, or who have suffered one or more attacks of insanity.
- K. Aliens afflicted with psychopathic personality, sexual deviation, mental defect, narcotic drug addiction, chronic alcoholism or any dangerous contagious disease.
- L. Aliens who have a physical defect, disease or disability affecting their ability to earn a living.
- M. Aliens who are paupers, professional beggars or vagrants.
- N. Aliens who are polygamists or advocate polygamy.
- O. Aliens likely to become a public charge.
- P. Aliens who have been excluded from the United States within the past year, or who at any time within 5 years have been deported from the United States.
- Q. Aliens who have procured or have attempted to procure a visa by fraud or misrepresentation.
- R. Aliens who are former exchange visitors who are subject to but have not complied with the two-year foreign residence requirement.

Yes (If "Yes", explain on a separate sheet of paper.)

30. If your native alphabet is in other than Roman letters, write your name in your native alphabet.	31. Language of native alphabet
32. Signature of Applicant - I CERTIFY, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I hereby consent and authorize the Service to verify the information provided, and to conduct police, welfare and other record checks pertinent to this application.	33. Date (Month/Day/Year)
34. Signature of person preparing form, if other than applicant. I DECLARE that this document was prepared by me at the request of the applicant and is based on all information on which I have any knowledge.	35. Date (Month/Day/Year)
36. Name and Address of person preparing form, if other than applicant (type or print).	37. Occupation of person preparing form

QUALIFIED DESIGNATED ENTITY USE ONLY

38. Reviewed by (Print or Type Name)	39. Signature	40. Date
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IMMIGRATION AND NATURALIZATION SERVICE USE ONLY

41. Recommendation: Temporary Residence <input type="checkbox"/> Approved <input type="checkbox"/> Denied	42. Waiver of Excludability under Section 212 (a) _____ is <input type="checkbox"/> Approved <input type="checkbox"/> Denied		
43. Class of Admission	44. Place of Adjustment	45. Date of Adjustment	
46. Recommended by (Print or type Name and Title)	47. Signature	48. ID No.	49. Date
50. Final Action: Temporary Residence <input type="checkbox"/> Approved <input type="checkbox"/> Denied	51. Director Regional Processing Facility	52. ID. No.	53. Date

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Instructions

To Alien Applying for Adjustment of Status

A medical examination is necessary as part of your application for adjustment of status. Please communicate immediately with one of the physicians on the attached list to arrange for your medical examination, which must be completed before your status can be adjusted. The purpose of the medical examination is to determine if you have certain health conditions which may need further followup. All expenses in connection with this examination must be paid by you. The examining physician may refer you to your personal physician or a local public health department and you must comply with some health followup or treatment recommendations for certain health conditions before your status will be adjusted.

This form should be presented to the examining physician. You must sign the form in the presence of the examining physician. *The law provides severe penalties for knowingly and willfully falsifying or concealing a material fact or using any false documents in connection with this medical examination.*

To Physician Performing the Examination

Please medically examine for adjustment of status the individual presenting this form. The medical examination should be performed according to the U.S. Public Health Service "Guidelines for the Medical Examination of Aliens in the United States and Supplement" which have been provided to you separately.

If the applicant is free of medical defects listed in Section 212(a) of the Immigration and Nationality Act, endorse the form in the space provided. While in your presence, the applicant must also sign the form in the space provided. You should retain one copy for your files and return all other copies in a sealed envelope to the applicant for presentation at the immigration interview.

If the applicant has a health condition which requires followup as specified in the "Guidelines for Medical Examination of Aliens in the United States and Supplement", complete the referral information on the pink copy of the medical examination form, and advise the applicant that appropriate followup must be obtained before medical clearance can be granted. Retain the blue copy of the form for your files and return all other copies to the applicant in a sealed envelope. The applicant should return to you when the necessary followup has been completed for your final verification and signature. *Do not* sign the form until the applicant has met health followup requirements. All medical documents, including chest x-ray films if a chest x-ray examination was performed, should be returned to the applicant upon final medical clearance.

To Physician Providing Health Followup

The individual presenting this form has been found to have a medical condition(s) requiring resolution before medical clearance for adjustment of status can be granted. Please evaluate the applicant for the condition(s) identified. The requirements for clearance are outlined on the reverse of this page. When the individual has completed clearance requirements, please sign the form in the space provided and return the medical examination form to the applicant.

Medical Examination and Health Information

A medical examination is necessary as part of your application for adjustment of status under the Immigration Reform and Control Act of 1986. You should go for your medical examination as soon as possible. The organization or person who gave you your application packet can help you arrange the medical examination. You will have to choose a doctor from a list you will be given. The list will have the names of doctors or clinics in your area that have been approved by the Immigration and Naturalization Service for this examination. You must pay for the examination. The cost may be different from place to place, but should be in the \$30 - \$60 range. If you become a temporary legal resident and later apply to become a permanent resident, you will need to have another medical examination at that time.

The purpose of the medical examination is to find out if you have certain health conditions which may need further followup. The doctor will examine you for certain physical and mental health conditions. You will have to take off your clothes. If you need more tests because of a condition found during your medical examination, the doctor may send you to your own doctor or to the local public health department. For some conditions, before you can become a temporary or permanent resident, you will have to show that you have followed the doctor's advice to get more tests or take treatment.

One of the conditions you will be tested for is tuberculosis. If you are 15 years of age or older, you may choose to be tested for tuberculosis with either a chest x-ray or a skin test (an injection into the skin on your arm). The skin test costs less than a chest x-ray examination. If you choose the skin test you will have to return in 2 - 3 days to have it checked. If you do not have any reaction to the skin test you will not need any more tests for tuberculosis. If you do have any reaction to the skin test, you will then need to go ahead and have a chest x-ray examination too. If the doctor thinks you are infected with tuberculosis, you may have to go to the local health department and more tests may have to be done. The doctor will explain these to you.

If you are 14 years of age or younger, you will not need to have a test for tuberculosis unless a member of your immediate family has chest x-ray findings that may be tuberculosis. If you are in this age group and you do have to be tested for tuberculosis, you too may choose either the chest x-ray or the skin test.

You must also have a blood test for syphilis if you are 15 years of age or older.

If you have any records of immunizations (vaccinations), you should bring them to show to the doctor. This is especially important for pre-school and school-age children. The doctor will tell you if any more immunizations are needed, and where you can get them (usually at your local public health department). It is important for your health that you follow the doctor's advice and go to get any immunizations.

(Please Type or Print Clearly)

I certify that on the date shown I examined:

NAME: LAST	FIRST	MI	DATE OF EXAMINATION MO DA YR	FILE No.
ADDRESS: STREET	CITY	STATE	DATE OF BIRTH MO DA YR	COUNTRY OF BIRTH:
				ZIP

GENERAL PHYSICAL EXAMINATION

I examined specifically for evidence of the conditions listed below. My examination revealed:

- No apparent defect, disease, or disability The conditions listed below were found (check boxes that apply)

CLASS A Conditions

- | | | |
|--|---|--|
| <input type="checkbox"/> Chancroid | <input type="checkbox"/> Hansen's Disease, Infectious | <input type="checkbox"/> Tuberculosis, Active |
| <input type="checkbox"/> Gonorrhea | <input type="checkbox"/> Lymphogranuloma Venereum | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Granuloma Inguinale | <input type="checkbox"/> Syphilis, Infectious | _____ |
| <input type="checkbox"/> Mental Retardation | <input type="checkbox"/> Previous Occurrence of One or More Attacks of Insanity | <input type="checkbox"/> Mental Defect |
| <input type="checkbox"/> Insanity | | <input type="checkbox"/> Narcotic Drug Addiction |
| <input type="checkbox"/> Sexual Deviation | <input type="checkbox"/> Psychopathic Personality | <input type="checkbox"/> Chronic Alcoholism |

CLASS B Conditions

- Tuberculosis, Not Active
 Hansen's Disease, Not Infectious
 Other Physical Defect, Disease or Disability: _____

EXAMINATION FOR TUBERCULOSIS

TUBERCULIN SKIN TEST

FROM Doctor _____ (Please Print)

REACTION ____ mm MO DA YR
 NO REACTION NOT DONE DATE READ

CHEST X-RAY REPORT

FROM Doctor _____ (Please Print)

NORMAL MO DA YR
 ABNORMAL NOT DONE DATE READ

SEROLOGIC TEST FOR SYPHILIS

TEST TYPE _____
FROM Doctor _____ (Please Print)

REACTIVE TITER MO DA YR
 NONREACTIVE DATE READ

TEST TYPE _____
FROM Doctor _____ (Please Print)

REACTIVE TITER MO DA - YR
 NONREACTIVE DATE READ

IMMUNIZATION DETERMINATION (DTP, OPV, MMR, Td - Refer to PHS Guidelines for recommendations.)

- Applicant is current for recommended age-specific immunizations Applicant is not current for recommended age-specific immunizations and I have encouraged that appropriate immunizations be obtained

REMARKS:

CIVIL SURGEON REFERRAL FOR FOLLOW-UP OF MEDICAL CONDITION

- The alien named above has applied for adjustment of status. A medical examination conducted by me identified the conditions above which require resolution before medical clearance is granted or for which the alien may seek medical advice. Please provide follow-up services or refer the alien to an appropriate health care provider. The actions necessary for medical clearance are detailed on the reverse of this form.

FOLLOW-UP INFORMATION

The alien named above has complied with recommended health follow-up. SIGNATURE _____ TITLE _____ MO DA YR

APPLICANT CERTIFICATION

I certify that the information contained in this form refers to me. SIGNATURE _____ MO DA YR

CIVIL SURGEON CERTIFICATION

My examination showed the applicant to have met the medical examination and health follow-up requirements for adjustment of status. SIGNATURE _____ TITLE _____ MO DA YR

The Immigration and Naturalization Service is authorized to collect this information under the provisions of the Immigration Reform and Control Act of 1986, Public Law 99-603. The individually identified data requested is required in order for a proper evaluation to be made of your health status, and may be shared with health departments and other public health or cooperating medical authorities. The medical examination must be completed in order for us to process your application.

MEDICAL CLEARANCE REQUIREMENTS FOR ALIENS SEEKING ADJUSTMENT OF STATUS

MEDICAL CONDITION	ESTIMATED TIME FOR CLEARANCE	ACTION REQUIRED
Suspected Mental* Conditions	5-30 Days	Applicant must provide to civil surgeon a psychological or psychiatric evaluation from a specialist or medical facility for final classification and clearance.
Tuberculin Skin Test Reaction and Normal Chest X-Ray	Immediate	Applicant should be encouraged to seek further medical evaluation for possible preventive treatment.
Tuberculin Skin Test Reaction and Abnormal Chest X-Ray ("Inactive/Class B")	10-30 Days	Applicant should be referred to physician or local health department for further evaluation. Medical clearance should not be granted until applicant returns to civil surgeon with documentation of medical evaluation for tuberculosis.
Tuberculin Skin Test Reaction and Abnormal Chest X-Ray ("Active or Suspected Active/Class A")	10-300 Days	Applicant should obtain appointment with physician or local health department. If treatment for active disease is started, it must be completed (usually 9 months) before medical clearance granted. At completion of treatment, applicant must present to civil surgeon documentation of completion. If treatment not started, applicant must present to civil surgeon documentation of medical evaluation for tuberculosis.
Hansen's Disease	30-210 Days	Obtain evaluation from specialist or Hansen's disease clinic. If disease is Indeterminate or Tuberculoid, applicant must present to civil surgeon documentation of medical evaluation. If disease is Lepromatous or Borderline (dimorphous) and treatment is started, applicant must complete at least 6 months and present documentation to civil surgeon showing adequate supervision, treatment, and clinical response before medical clearance granted.
Venereal Diseases**	1-30 Days	Obtain appointment with physician or local public health department. Applicants with a reactive serologic test for syphilis must provide to civil surgeon documentation of evaluation for treatment. If any of the venereal diseases are infectious, applicants must present to civil surgeon documentation of completion of treatment.
Immunizations Incomplete	Immediate	Applicant should be encouraged to go to physician or local health department for appropriate immunizations.

*Mental retardation; insanity; previous attack of insanity; psychopathic personality, sexual deviation, or mental defect; narcotic drug addiction; and chronic alcoholism.

**Chancroid; gonorrhoea; granuloma inguinale; lymphogranuloma venereum; and syphilis.

I-687 Instructions - Page 1
(Conditions of Application)

Please carefully read all of the instructions: The fee will not be refunded.

Failure to follow instructions may require return of your application and delay final action. If your application is returned, no further action will be taken. You must resubmit your application with the requested documentation or information to renew processing.

Applications for status as a temporary resident as 1) an alien who illegally entered the United States prior to January 1, 1982 or 2) an alien who entered the United States as a nonimmigrant prior to January 1, 1982 and whose authorized stay expired before such date or whose unlawful status was known to the Immigration and Naturalization Service as of January 1, 1982 must be submitted or resubmitted by May 4, 1988. Failure to do so will make the applicant ineligible for the benefit sought.

1. Preparation of Application: A separate application for each applicant must be typewritten or printed legibly in ink. Applications by family members must be submitted together in order to receive the reduced family fee structure identified in item #5 of the instructions. The application must be completed in full. If extra space is needed to answer any item, attach a continuation sheet and indicate the item number. Various organizations and individuals (Qualified Designated Entities) have been designated by the Attorney General to assist applicants in the preparation of their applications. Your application must be submitted to the Immigration Legalization Office having jurisdiction over your place of residence.

2. Eligibility: An application may be filed by any alien who would qualify within the following guidelines. If you are not certain that you would qualify, you may contact a Qualified Designated Entity near your place of residence or an Immigration Legalization Office in your area. **The following aliens may be eligible for temporary resident status.**

- (a) An alien who can establish that he/she entered the United States before January 1, 1982 and that he/she has resided continuously in the United States in an unlawful status since such date.

- (b) An alien who entered the United States as a nonimmigrant prior to January 1, 1982 and whose authorized stay expired before such date or whose unlawful status was known to the Government as of January 1, 1982 and who has resided continuously in the United States in an unlawful status since such date.

In order to be eligible for Temporary Resident status under paragraphs (a) and (b), the applicant must have been continuously physically present in the United States since the date of enactment of the Immigration Reform and Control Act of 1986 (November 6, 1986).

3. Ineligible Classes: The following classes of aliens are ineligible for temporary residence.

- (a) An alien who has been convicted of a felony or three or more misdemeanors committed in the United States.
- (b) An alien who has assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.
- (c) An alien who at any time was a nonimmigrant exchange visitor who is subject to the two-year foreign residence requirement unless the requirement has been satisfied or waived pursuant to the provisions of Section 212(e) of the Act.

4. Penalties for False Statements in Applications: Whoever files an application for adjustment of status under Section 245A of the Act and who 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 will be subject to criminal prosecution and/or deportation.

Authority for Collecting this Information: The authority to prescribe this form is contained in the "Immigration Reform and Control Act of 1986." The information is necessary to determine whether a person is eligible for the immigration benefit sought. Information on race is requested in question #10 for statistical purposes only. You do not have to give this information. All other questions must be answered. Failure to do so may result in the denial of the application.

Confidentiality: The information provided in this application is confidential and may only be used to make a determination on the application or for enforcement of the penalties for false statements referred to in instruction #4. The information provided is subject to verification by the Immigration and Naturalization Service.

- 5. Fees:** A fee of one hundred eighty-five dollars (\$185.00) for each application, or fifty dollars (\$50.00) for each application for a minor child (under 18 years of age) is required at the time of filing with the Immigration and Naturalization Service. The maximum amount payable by a family (husband, wife, and any minor children) shall be four hundred twenty dollars (\$420.00). The fee is not refundable regardless of the action taken on the application. A separate cashier's check or money order must be submitted for each application. *All fees must be submitted in the exact amount.* No cash or personal checks will be accepted. The cashier's check or money order must be made payable to "Immigration and Naturalization Service" unless applicant resides in the Virgin Islands or Guam. (Applicants residing in the Virgin Islands make cashier's checks or money orders payable to "Commissioner of Finance of the Virgin Islands". Applicants residing in Guam make cashier's check or money order payable to "Treasurer, Guam".)
- 6. Photographs:** Submit two (2) color photographs of yourself taken within thirty (30) days of the date of this application. These photos must have a white background, be glossy, unretouched, and not mounted; dimension of facial image should be about one inch from chin to top of hair; you should be shown in 3/4 frontal view showing right side of face with right ear visible; using pencil or felt pen, lightly print your name on the back of each photograph. Failure to comply with the above instructions will result in the return of the application without further action.
- 7. Fingerprints:** A completed fingerprint card (Form FD-258) must be submitted by each applicant 14 years of age or older. Fingerprint cards with instructions for their completion are available at Qualified Designated Entity offices. Applicants may be fingerprinted by law enforcement offices, Outreach Centers, charitable and voluntary agencies, or other reputable persons or organizations. The fingerprint card (FD-258) on which the prints are submitted, the ink used, and the quality and classifiability of the prints must meet standards prescribed by the Federal Bureau of Investigation. The card must be signed by you in the presence of the person taking your fingerprints, who must then sign his/her name and enter the date in the spaces provided. It is important to furnish all the information called for on the card.
- 8. Interview:** You will be required to be present for a personal interview by an officer of the Immigration and Naturalization Service. In most locations, interviews will be scheduled subsequent to receipt of the application.
- 9. Documents - General:** All documents must be submitted in the original. If the return of original documents is desired, each must be accompanied by copies certified as true and correct by your representative or Qualified Designated Entity in the format prescribed in 8 CFR 204.2 (j)(1) or (2). Certified copies unaccompanied by original documents are unacceptable. All original documents submitted without certified copies become the property of the Attorney General and will be retained by the Service. Any document in a foreign language must be accompanied by a summary translation into English. A summary translation is a condensation or abstract of the document's text but includes all pertinent facts. The translator must certify that he/she is competent to translate into English and that the translation is accurate.
- 10. Documents to Establish Identity:** The following list gives examples of the types of documents the Immigration and Naturalization Service will consider as evidence to establish your identity. This list is not all inclusive and other evidence may be considered if none of the following is available:
- Birth Certificate, Baptismal Certificate, or other evidence of birth
 - Passport
 - National Identification Card from country of origin
 - Driver's License
 - School Identification Card
 - State Identification Card
- 11. Documents to Establish Admissibility:**
- (a) Medical Report of Examination (Form I-693).
- (b) Evidence of Income: examples of documents which may be used as evidence of financial support or income include:
- Letters from employers which illustrate full-time employment.
 - W-2 Tax Records or other wage records.
 - Bank statements or evidence of other assets.
 - Form I-134 (Affidavit of Support) completed by a responsible person in the United States.
 - Any other evidence to establish that the applicant is not likely to become a public charge.
- (c) An application for a Waiver of Grounds of Excludability (Form I-690) may be required if you answer any of the items 39 through 43 in the affirmative.
- 12. Documents to Establish Residence:** Examples of documents which may be submitted to prove continuity of residence include:
- Leases
 - Rent Receipts
 - Employer, union or other business records
 - Birth certificates of children born in the United States
 - Automobile license receipts
 - Vehicle registrations
 - Deeds
 - Mortgages
 - Utility bill receipts
 - Installment loan records
 - Church records
 - Medical records
- Letters from landlords should include the landlord's present address and the beginning and terminating dates of the applicant's residence. Letters from employers' organizations or churches should be on official stationery and include relevant dates, the organization seal (if any) and the signer's name and title.

Please begin with item #1, after carefully reading the instructions.

The block below is for *Government Use Only*.

Name and Location (City or Town) of Qualified Designated Entity	Fee Stamp
	Fee Receipt No. (This application)
	Principal Applicant's File No. A - _____
Qualified Designated Entity I.D. No.	File No. (This applicant) A - _____

Applicant: Do not write above this line. See instructions before filling in application. If you need more space to answer fully any question on this form, use a separate sheet and identify each answer with the number of the corresponding question. *Fill in with typewriter or print in block letters in ink.*

1. I hereby apply for status as indicated by the block checked below (check block A or B).

A Temporary Residence as an alien who illegally entered the U.S. prior to January 1, 1982.

B Temporary Residence as an alien who entered the U.S. as a nonimmigrant prior to January 1, 1982 and whose authorized stay expired before such date or whose unlawful status was known to the Government as of January 1, 1982.

2. Family Name (Last Name in CAPITAL Letters) (First Name) (Middle Name)			3. Date of Birth (Month/Day/Year)	
4. Other Names Used or Known by (Including maiden name, if married)			5. Telephone Numbers (Include Area Codes) Home: Work:	
6. Home Address in the U.S. (No. and Street) (Apt. No.) (City) (State) (ZIP Code)				
7. Mailing Address in the U.S. (if different from #6.) (Apt. No.) (City) (State) (ZIP Code)				
8. Last Address outside the U.S. (City or Town) (County, Province or State) (Country)				
9. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	10. Race <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Black, not of Hispanic origin <input type="checkbox"/> Other (specify below) <input type="checkbox"/> Hispanic <input type="checkbox"/> White, not of Hispanic origin			
11. Marital Status <input type="checkbox"/> Never Married <input type="checkbox"/> Divorced <input type="checkbox"/> Now Married <input type="checkbox"/> Separated <input type="checkbox"/> Widowed		12. Country of Citizenship		
13. Place of Birth (City or Town) (County, Province or State) (Country)				
14. Have you previously applied for temporary residence as a legalization applicant? <input type="checkbox"/> No <input type="checkbox"/> Yes (if "Yes" give date, place of filing, and final disposition, if known)		15. Do you have any other record with I&NS? <input type="checkbox"/> No <input type="checkbox"/> Yes [If "Yes" give number(s)] A - _____ Other _____		
16. When did you last come to the U.S.? (Month/Day/Year)		17. Manner of Entry (Visitor, Student, Crewman, etc.) <input type="checkbox"/> With visa (visitor, student, etc.) specify _____ <input type="checkbox"/> Without visa		
18. Place of Last Entry <input type="checkbox"/> U.S. Port of entry (City and State) _____ <input type="checkbox"/> Border - Not through port (State) _____		19. List all Social Security Numbers used. (1) _____ (3) _____ (2) _____ (4) _____		
20. Mother's Name (Maiden) (Last) (First) <input type="checkbox"/> Living <input type="checkbox"/> Deceased (year) _____		21. Father's Name (Last) (First) <input type="checkbox"/> Living <input type="checkbox"/> Deceased (year) _____		

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34. To assist in establishing the required residence, please list all affiliations or associations with clubs, organizations, churches, unions, businesses, etc.

Name of Organization	Location	From (Month/Year)	To (Month/Year)

35. Absences from the United States since entry. (List most recent absence first and list absences back to January 1, 1982).

Country	Purpose of Trip	From (Month/Year)	To (Month/Year)

36. Employment in the United States since first entry. (List present or most recent first and list back to date of entry; if none since entry, write "None".)

Full Name and Address of Employer (with ZIP Code) (or Self employed and business address)	Your Occupation	Annual Wages	Wages per Hour	From (Month/Year)	To (Month/Year)

37. I have registered under the Military Selective Service Act. My Selective Service No. is _____
 I am a male over the age of 17 and under the age of 26 required to register under the Military Selective Service Act and have not done so. I wish to register at this time. SSS Form 1 is attached.
 I am a male born after 1959 and over the age of 26 and cannot now register.
 I am exempt from Selective Service Registration either because I am a female or I was born before 1960.

38. have have 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.

39. have have not been treated for a mental disorder, drug addiction or alcoholism.

40. have have not been arrested, convicted or confined in a prison.

41. have have not been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action.

42. have have not received public assistance from any source, including, but not limited to, the United States Government, any state, county, city or municipality. (If you have, explain, including the name(s) and Social Security number(s) used.)

43. Applicants for status as Temporary Residents must establish that they are admissible to the United States. Except as otherwise provided by law, aliens within any of the following classes are not admissible to the United States and are therefore ineligible for status as Temporary Residents.

- A. Aliens who have committed or who have been convicted of a crime involving moral turpitude (does not include minor traffic violations).
- B. Aliens who have been engaged in or who intend to engage in any commercialized sexual activity.
- C. Aliens who are or at any time have been anarchists, or members of or affiliated with any Communist or other totalitarian party, including any subdivision or affiliate thereof.
- D. Aliens who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization:
 - 1) Opposition to organized government;
 - 2) The overthrow of government by force or violence;
 - 3) The assaulting or killing of government officials because of their official character;
 - 4) The unlawful destruction of property;
 - 5) Sabotage, or;
 - 6) The doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States.
- E. Aliens who intend to engage in activities prejudicial to the national interests or unlawful activities of a subversive nature.
- F. Aliens who, during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with:
 - 1) The Nazi government in Germany;
 - 2) Any government in any area occupied by the military forces of the Nazi government in Germany;
 - 3) Any government established with the assistance or cooperation of the Nazi government of Germany;
 - 4) Any government which was an ally of the Nazi government of Germany;
 ordered, incited, assisted or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.

Do any of the above classes apply to you? No

- G. Aliens who have been convicted of a violation of any law or regulation relating to narcotic drugs or marihuana, or who have been illicit traffickers in narcotic drugs or marihuana.
- H. Aliens who have been involved in assisting any other aliens to enter the United States in violation of the law.
- I. Aliens who have applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and who have been relieved or discharged from such training or service.
- J. Aliens who are mentally retarded, insane, or who have suffered one or more attacks of insanity.
- K. Aliens afflicted with psychopathic personality, sexual deviation, mental defect, narcotic drug addiction, chronic alcoholism or any dangerous contagious disease.
- L. Aliens who have a physical defect, disease or disability affecting their ability to earn a living.
- M. Aliens who are paupers, professional beggars or vagrants.
- N. Aliens who are polygamists or advocate polygamy.
- O. Aliens likely to become a public charge.
- P. Aliens who have been excluded from the United States within the past year, or who at any time within 5 years have been deported from the United States.
- Q. Aliens who have procured or have attempted to procure a visa by fraud or misrepresentation.
- R. Aliens who are former exchange visitors who are subject to but have not complied with the two-year foreign residence requirement.

Yes (If "Yes", explain on a separate sheet of paper.)

44. If your native alphabet is in other than Roman letters, write your name in your native alphabet.	45. Language of native alphabet
46. Signature of Applicant - I CERTIFY, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I hereby consent and authorize the Service to verify the information provided, and to conduct police, welfare and other record checks pertinent to this application.	47. Date (Month/Day/Year)
48. Signature of person preparing form, if other than applicant. I DECLARE that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.	49. Date (Month/Day/Year)
50. Name and Address of person preparing form, if other than applicant (type or print).	51. Occupation of person preparing form

QUALIFIED DESIGNATED ENTITY USE ONLY		
52. Reviewed by (Print or Type Name)	53. Signature	54. Date

IMMIGRATION AND NATURALIZATION SERVICE USE ONLY			
55. Recommendation: Temporary Residence <input type="checkbox"/> Approved <input type="checkbox"/> Denied	56. Waiver of Excludability under Section 212 (a) _____ is <input type="checkbox"/> Approved <input type="checkbox"/> Denied		
57. Class of Admission	58. Place of Adjustment	59. Date of Adjustment	
60. Recommended by (Print or type Name and Title)	61. Signature	62. ID No.	63. Date
64. Final Action: Temporary Residence <input type="checkbox"/> Approved <input type="checkbox"/> Denied	65. Director Regional Processing Facility	66. ID. No.	67. Date

Saldrá de la detención más pronto si ya tiene hecho los arreglos con su familia, su sindicato local o su organización comunitaria para recaudar el dinero de la "fianza". La Inmigración tiene que liberarle después de que paguen la fianza.

LOS CASTIGOS A LOS PATRONES

Los empleadores que empleen a un trabajador no autorizado para trabajar en los Estados Unidos, o que continúen empleando a los mismos a sabiendas serán sujetos a las multas y otros castigos elaborados a continuación:

6 de noviembre de 1986 a 31 de mayo de 1987—no hay castigos
1 de junio de 1987 a 31 de mayo de 1988—Solamente multarán a los que empleen ilegalmente o continúen empleando a los trabajadores no autorizados más de una vez.

A partir del 1 de junio de 1988—El sistema completo de castigos se efectuará, conforme a lo siguiente: Una multa de \$250 por cada trabajador no autorizado por el primer castigo descubierto; Las multas se subirán a un máximo de \$10,000 por cada trabajador no autorizado después de un incumplimiento repetido; y para los empleadores que empleen a los trabajadores no autorizados o que continúen empleandoles **sistemáticamente**, habrá encarcelamiento hasta seis meses.

No se le aplicarán ningún castigo a ud. si el empleador le emplea a ud. ilegalmente. La ley prohíbe que su empleador le pida pagar un bono o que contribuya dinero para reembolsar al empleador por las multas actuales o futuras que se le impongan de acuerdo con la ley.

LOS DOCUMENTOS QUE PUEDEN COMPROBAR SU AUTORIZACIÓN PARA TRABAJAR

Todos los trabajadores que recibieran su empleo después del 6 de noviembre de 1986 tienen que presentar un comprobante de su autorización para trabajar. Ud. debe de presentar los **originales** de los siguientes documentos (1) **un** documento del Grupo A; o (2) **dos** documentos, uno del Grupo B y el otro del Grupo C.

Grupo A

- El pasaporte estadounidense
- El certificado de la ciudadanía estadounidense
- El certificado de la naturalización
- Un pasaporte del exterior no cauducado con la autorización válida para trabajar
- 1-551 Tarjeta ("Verde") de Registro del Extranjero con su fotografía

Grupo B

- La tarjeta del Seguro Social
- Una acta de nacimiento estadounidense
- Otro documento aprobado por el Procurador General de los EE.UU. que autorice su empleo

Grupo C

- La licencia de manejar del estado con su fotografía
- Otra identificación del gobierno estatal o local con su fotografía
- Otro documento aprobado por el Procurador General de los EE.UU. que autorice su empleo

SI UD. NO TIENE NINGÚN PERMISO PARA TRABAJAR DEL SERVICIO DE INMIGRACIÓN, Y TAMPOCO TIENE LOS DOCUMENTOS REQUERIDOS DE ACUERDO CON LO ANTES MENCIONADO, PERO AFIRMA QUE CALIFICA PARA LA AMNISTÍA, DEBE DE FIRMAR Y FECHAR LA DECLARACIÓN EN LA CAJA A LA DERECHA, Y DEBE DE PRESENTARLA A SU EMPLEADOR.

DECLARACIÓN DE LA AUTORIZACIÓN PARA TRABAJAR POR MEDIO DE LA AMNISTÍA

El inmigrante cuyo nombre y firma comparece a continuación tiene autorización para trabajar de acuerdo con la estipulación y orden aprobada por la Corte Federal en el caso de **Los Servicios sociales catolicos contra Meese** CV S-86-1343 - LKK, E.D. Cal.

1. Afirmando que califico para la legalización conforme a la nueva ley de inmigración.
2. Tengo la intención de solicitar el estado legal de inmigración y pedir una autorización temporal para trabajar del Servicio de Inmigración y Naturalización.

Amnesty Work Authorization Declaration

As a result of the nationwide class action stipulation and order approved by the Federal Court in the case **Catholic Social Services, Inc. v. Meese** CV S-86-1343 - LKK, E.D. Cal the immigrant whose name and signature appear below is authorized to work.

DECLARATION OF IMMIGRANT AUTHORIZED TO WORK

1. I claim to qualify for the legalization provisions of the new immigration law.
2. I intend to apply for legal status and seek interim work authorization from the Immigration and Naturalization Service.

(Name) Nombre _____

(Signature) Firma _____

(Date) Fecha _____

Si acaso su empleador actual o potencial no respeta su declaración de autorización para trabajar, por favor llame al Fondo Mexicoamericano de Defensa Legal y Educación [Mexican American Legal Defense and Education Fund (MALDEF)], número gratis para él que llame al 1-(800)-553-2555, Lunes a Viernes 9 a.m. a 5 p.m., Sábados 9 a.m. a 12 del medio día, La Oficina Legal de Empleo de la Fundación Legal de Los Angeles (213) 389-3581, Lunes a Viernes 9 a.m. a 5 p.m., o a su sindicato local u organización comunitaria.

SI NECESITA MÁS INFORMACIÓN O AYUDA FAVOR DE COMUNICARSE A LA OFICINA MENCIONADA ABAJO.

¿QUE DERECHO TENGO YO A TRABAJAR DE ACUERDO CON LA NUEVA LEY DE INMIGRACIÓN?

ESTA INFORMACIÓN ES PROPORCIONADA POR LA COALICIÓN DE DERECHOS SOBRE INMIGRACIÓN DE LOS ANGELES (CHIRLA)

¿QUE DERECHO TENGO A TRABAJAR DE ACUERDO CON LA NUEVA LEY DE INMIGRACIÓN?

La Ley de reforma y control de la inmigración de 1986, dispone que el empleador que emplee un trabajador no autorizado para trabajar en los Estados Unidos, o que continúe empleando al mismo a sabiendas, está quebrantando la ley. Sin embargo, los castigos a los patrones solamente se aplican en cuanto a las personas que recibieran su empleo después del 6 de noviembre de 1986. Además, si ud. afirma que califica para la legalización, y que tiene la intención de solicitar la "amnistía," ud. automáticamente quedará autorizado para trabajar en los Estados Unidos hasta el primero de septiembre de 1987. Si tiene alguna pregunta después de leer este folleto, debe de comunicarse con su sindicato local o su organización comunitaria. Si ud. es miembro de un sindicato, probablemente goza de derechos adicionales por su contrato laboral. Vea a su representante sindical.

1. ¿SI TRABAJO ACTUALMENTE SIN DOCUMENTOS, PODRÉ SEGUIR EN MI EMPLEO?

Si ud. ya trabajaba con su empleador actual desde antes del 6 de noviembre de 1986 (el día de efectuarse la nueva ley), debe tener el derecho de seguir en el empleo por el "recurso de antigüedad" dispuesto por una cláusula de la nueva ley. No pueden castigar a ningún empleador por el hecho de continuar a emplear a ud. Su empleador no tiene ninguna obligación de pedir sus documentos, y no tiene que despedirle. Además, cualquier persona indocumentada quien afirma que tiene derecho a la legalización y que tiene la intención de solicitarla queda autorizada para trabajar en los Estados Unidos hasta el primero de septiembre de 1987. Si el empleador amenaza con despedirle, ud. debe de comunicarse con su sindicato local, organización comunitaria, o abogado inmediatamente. Posiblemente podrá seguir en su empleo aun sin documentos.

2. ¿SI SOLICITO LA "AMNISTÍA" DESPUÉS DEL 5 DE MAYO DE 1987, PODRÉ SEGUIR EN MI EMPLEO O CONSEGUIR OTRO EMPLEO DIFERENTE?

Si el Servicio de Inmigración y Naturalización (SIN) hace una aprobación inicial de su solicitud de "Amnistía", ud. recibirá una autorización temporal para trabajar cuando la aprueben, la cual hará posible que quede en su trabajo actual o que consiga otro. Después cuando la Inmigración otorgue su permiso de residencia temporal, ud. debe recibir otra autorización para trabajar.

3. ¿CÓMO ES QUE SE CONSIGUE EL PERMISO PARA TRABAJAR HASTA EL PRIMERO DE SEPTIEMBRE DE 1987 SI CREO QUE CALIFICO PARA LA "AMNISTÍA"?

Si ud. afirma que califica para la "amnistía" y que tiene la intención de solicitarla, ud. debe de firmar y fechar la declaración en la portada trasera de este folleto y debe de entregarla a su empleador. Otra alternativa es solamente decirle a su empleador que tiene la intención de solicitar la legalización. Esto le autorizará a trabajar en los EE.UU. hasta el primero de septiembre de 1987.

4. ¿SI NO CALIFICO PARA LA "AMNISTÍA", HABRÁ ALGUNA OTRA FORMA DE CONSEGUIR MI AUTORIZACIÓN PARA TRABAJAR?

Existen otras alternativas disponibles para legalizar su estado de inmigración que conceden la autorización para trabajar, inclusive: el registro (si entró en los EE.UU. en o antes del primero de enero de 1972), el asilo político (si teme regresar a su patria), una petición por un pariente directo, o una certificación laboral. Ud. debe de consultar con su sindicato local o su organización comunitaria si necesita más información.

5. ¿TENDRÉ QUE PRESENTAR UN PERMISO PARA TRABAJAR O PARA CONSEGUIR UN NUEVO EMPLEO?

El empleador puede pedir que ud. le enseñe los documentos para trabajar antes de emplearle a ud. Si ud. declara que va a solicitar la legalización, no tiene que presentar ningún documento hasta el primero de septiembre de 1987. Ud. debe de presentar la declaración en la portada trasera de este folleto a su empleador, o debe decirle que califica para la legalización y que tiene la intención de solicitar la "amnistía". Después del primero de septiembre, tendrá que presentar al empleador o a una agencia de empleos los documentos comprobantes de (1) una autorización para trabajar y (2) su identidad.

6. ¿QUÉ TIPO DE DOCUMENTOS NECESITARÉ?

Algunos documentos comprueban la identidad, y la autorización para trabajar a la vez, inclusive un pasaporte estadounidense, una tarjeta de registro de extranjero (la "tarjeta verde") con su fotografía, un certificado de naturalización estadounidense, o un pasaporte del exterior no caducado que incluya un permiso para trabajar. Si ud. no tiene ninguno de estos documentos, debe de presentar cuando menos dos documentos: (1) un documento que compruebe la autorización para trabajar (la tarjeta del Seguro Social, un certificado de nacimiento, etc.); y (2) un comprobante de su identidad (la licencia de manejar, la identificación estatal con la fotografía, etc.). Por ejemplo, si ud. presenta su licencia de manejar del estado de California con su tarjeta del Seguro Social, ya quedará comprobada su identidad y su autorización para trabajar. El empleador no deberá de exigir más documentos, ni debe discriminarlo a ud. en ninguna forma.

7. ¿CUÁNDO ES QUE TENGO QUE PRESENTAR ESTOS DOCUMENTOS PARA QUE ME EMPLEEN?

Le dan 3 días para presentarlos a su empleador. Sin embargo el empleador no podrá utilizar aplazamiento de las 72 horas para evitar los castigos por emplear a nuevos trabajadores indocumentados a diario.

8. ¿ACASO TENGO QUE FIRMAR ALGO PARA QUE ME EMPLEEN?

Sí. Ambos ud. y el empleador deben de firmar un formulario de verificación basada en los documentos que confirman su identidad de ud. y su autorización para trabajar. La falsificación de esta declaración corresponderá a castigos penales.

9. ¿QUÉ ES LO QUE DEBO DE HACER SI SE REHUSAN A EMPLEARME POR EL MOTIVO DE QUE NO SOY CIUDADANO ESTADOUNIDENSE, O POR TENER EL ASPECTO DE HABER NACIDO EN EL EXTERIOR?

La nueva ley dispone que dicha práctica es discriminación ilegal. Existen otras leyes que prohíben la discriminación basada en la raza o en el origen nacional. Si cree que han discriminado en su contra, debe de informar a su sindicato local o a una organización comunitaria de lo mismo inmediatamente. A lo mejor éstos podrán ayudarle para documentar su queja y proteger sus derechos.

10. ¿SI NO CALIFICO PARA TRABAJAR EN LOS ESTADOS UNIDOS, ME PUEDEN MULTAR POR ACEPTAR UN NUEVO TRABAJO O ALGÚN EMPLEO NO AUTORIZADO?

No. Las multas solamente se aplicarán a los empleadores que empleen a trabajadores no autorizados. (Vea a la caja para las multas.), pero los castigos penales se aplicarán a ud., si ud. presenta documentos falsificados al empleador.

11. ¿QUÉ DEBO DE HACER SI MI EMPLEADOR ME PIDE PAGAR UN BONO U OTRO TIPO DE DINERO PARA MI EMPLEO?

Bajo ninguna circunstancia debe de ud. pagar ningún bono para conseguir un empleo o para seguir trabajando. Es ilegal que un empleador exija cualquier dinero o bono para reembolsarse por las multas que el empleador posiblemente tenga que pagar de acuerdo con la nueva ley.

12. ¿SI TRABAJO PARA UN SUBCONTRATISTA, QUIÉN TIENE LA RESPONSABILIDAD DE VERIFICAR MI AUTORIZACIÓN PARA TRABAJAR, EL CONTRATISTA O EL SUBCONTRATISTA?

Sólo el subcontratista posiblemente tendrá que verificar sus documentos. Pueden responsabilizar a un contratista cuando el subcontratista emplee a los trabajadores indocumentados.

13. ¿QUÉ ES LO QUE DEBO HACER SI LA INMIGRACIÓN HACE REDADA EN MI LUGAR DE EMPLEO?

Manténgase en calma, sin intentar correr. ¡Ud. tiene derechos! Estos derechos no se le pueden quitar. Ud. tiene el derecho de rehusarse a contestar cualquier pregunta que la Inmigración pueda hacer a ud. (menos su nombre). Debe exigir su derecho de hacer una llamada telefónica a un abogado o un familiar. Ejercer su derecho de ver una lista de los abogados que lo representarán en su caso a bajo costo o sin costo alguno. La Inmigración tiene que tener dicha lista en sus oficinas locales.

Sobre todo, ejerza su derecho de no firmar ninguna petición para la salida voluntaria u otro documento si no ha consultado antes con un abogado, con su sindicato local o su organización comunitaria. Ud. tiene derecho a una audiencia ante el juez de inmigración, y el derecho a una fianza para su libertad, así como el derecho a una audiencia para redeterminar la fianza.

You will be released from detention sooner if you have already arranged with your family, local union, or community organization to collect "bond" money; INS must release you after you post bond.

DOCUMENTS THAT CAN AUTHORIZE YOU TO WORK

All workers hired after Nov. 6, 1986 must show proof of their authorization to work. You must show your employer or employment agency **originals** of (1) **one** document from Group A or (2) **two** documents, one from Group B and the other from Group C.

Group A	Group B	Group C
<ul style="list-style-type: none"> • U.S. passport • Certificate of U.S. citizenship • Certificate of Naturalization • Unexpired foreign passport with valid work authorization • I-551 alien registration receipt card with photo 	<ul style="list-style-type: none"> • Social Security card • U.S. birth certificate • Other document approved by U.S. Attorney General authorizing you to work 	<ul style="list-style-type: none"> • State driver's license with photo • Other state or local government I.D. with photo • Other document approved by Attorney General authorizing you to work

IF YOU DO NOT HAVE A WORK PERMIT FROM INS AND IF YOU DO NOT HAVE THE DOCUMENTS DESCRIBED ABOVE BUT YOU CLAIM YOU QUALIFY FOR AMNESTY, SIGN AND DATE THE DECLARATION IN THE NEXT BOX TO THE RIGHT AND PRESENT IT TO YOUR EMPLOYER.

EMPLOYER PENALTIES

Employers who knowingly hire or continue to employ unauthorized workers will be subject to the following fines and other penalties:

Nov. 6, 1986 - May 31, 1987 — No penalties

June 1, 1987 - May 31, 1988 — Fines only for employers who illegally hire or continue to employ unauthorized workers on more than one occasion.

June 1, 1988 and thereafter — The full system of penalties goes into effect, as follows: A \$250 fine per unauthorized worker for the first known offense; fines rise to a maximum of \$10,000 per unauthorized worker after repeated violations; and, for employers who *systematically* hire or continue to employ unauthorized workers, there will be jail terms of up to six months.

No penalties will be imposed on you if an employer illegally hires you. The law forbids your employer from asking you to pay a bond or contribute any money to reimburse the employer for actual or future fines imposed on him under the law.

AMNESTY WORK AUTHORIZATION DECLARATION

As a result of the nationwide class action stipulation and order approved by the Federal Court in the case **Catholic Social Services, Inc. v. Meese** CV S-86-1343 - LKK, E.D. Cal the immigrant whose name and signature appears below is authorized to work.

DECLARATION OF IMMIGRANT AUTHORIZED TO WORK

1. I claim to qualify for the legalization provisions of the new immigration law.
2. I intend to apply for legal status and seek interim work authorization from INS.

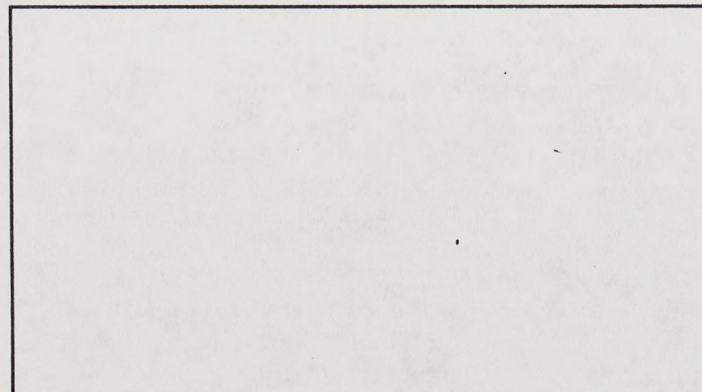
Name _____

Signature _____

Date _____

In the event that your present or potential employer will not honor your declaration for authorization to work please call The Mexican American Legal Defense and Education Fund (MALDEF) toll free number 1 (800) 553-2555 (Mon. to Fri., 9 a.m. - 5 p.m., Sat. 9 a.m. - 12 p.m.), The Employment Law Unit of The Legal Aid Foundation of Los Angeles at (213) 389-3581 (Mon. to Fri. 9 a.m. - 5 p.m.), or your local union or community organization.

IF YOU NEED MORE INFORMATION OR HELP, PLEASE CONTACT THE OFFICE BELOW



WHAT ARE MY JOB RIGHTS UNDER THE NEW IMMIGRATION LAW?

INFORMATION PROVIDED BY THE COALITION FOR HUMANE IMMIGRATION RIGHTS OF LOS ANGELES (CHIRLA)

WHAT ARE MY JOB RIGHTS UNDER THE NEW IMMIGRATION LAW?

The Immigration Reform and Control Act of 1986 makes it illegal for employers to knowingly hire, or continue to employ, workers who are not authorized to work in the United States. However, employer sanctions only apply to persons hired after November 6, 1986. Also, if you claim that you qualify for legalization and intend to apply for "amnesty", you are automatically authorized to work in the United States until September 1, 1987. If you have questions after reading this pamphlet, contact your local union or community organization. If you belong to a labor union, you probably have additional rights under your contract. See your union representative.

1. IF I AM WORKING NOW WITHOUT DOCUMENTS, WILL I BE ABLE TO KEEP MY JOB?

If you were already working for your present employer on November 6, 1986 (the day the new law took effect), you should have the right to keep your job under the "grandfather" clause of the new law. No employer can be penalized for continuing to employ you. Your employer is not required to ask to see your documents or dismiss you. Also, any undocumented person who claims to be eligible for legalization and intends to apply is authorized to work in the U.S. until September 1, 1987. If your employer threatens to fire you, contact your local union, community organization, or lawyer immediately. You may be able to keep your job even if you don't have documents.

2. IF I APPLY FOR "AMNESTY" AFTER MAY 5, 1987, WILL I BE ABLE TO KEEP MY JOB OR GET A NEW ONE?

You will get a temporary work authorization if and when the Immigration & Naturalization Service (INS) initially approves your "amnesty" application. This will enable you to keep your current job or get a new one. Later, when INS grants your temporary residence permit, you will again receive an authorization to work.

3. HOW DO I GET PERMISSION TO WORK BEFORE SEPTEMBER 1, 1987 IF I BELIEVE I QUALIFY FOR "AMNESTY"?

If you claim to be eligible for "amnesty" and intend to apply, sign and date the declaration on the back of this brochure and give it to your employer. Alternatively, you may simply tell your employer that you intend to apply. This will authorize you to work in the U.S. until September 1, 1987.

4. IF I DON'T QUALIFY FOR "AMNESTY", IS THERE ANY OTHER WAY I CAN GET WORK AUTHORIZATION?

There are other options available to legalize your status that will give you work authorization. These include registry (if you entered the U.S. on or before January 1, 1972), political asylum (if you fear return to your home country), a family petition, or a labor certification. Consult your local union or community organization if you need more information.

5. WILL I HAVE TO SHOW A WORK PERMIT TO GET A NEW JOB?

An employer can ask you to show work documents before you are hired. If you say you are going to apply for legalization you do not have to show any documents until September 1, 1987. Present your employer with the declaration on the back of this form or tell your employer that you qualify for legalization and intend to apply for "amnesty." After September 1, you must show your employer or employment agency documents proving your (1) authorization to work and (2) identity.

6. WHAT KINDS OF DOCUMENTS WILL I NEED?

Some documents prove both your identity and your authorization to work. These include a U.S. passport, an alien registration card (green card) with photo, a U.S. naturalization certificate, or an unexpired foreign passport with a work permit. If you don't have any of the above documents, you must show at least two documents: (1) proving work authorization (Social Security card, U.S. birth certificate, etc.) and (2) proving your identity (driver's license, state I.D. card, with photo). For example, if you show your California drivers' license and your Social Security card, you have proven your identity and authorization to work. The employer should not demand any other documents or discriminate against you.

7. WHEN DO I HAVE TO SHOW THESE DOCUMENTS TO GET HIRED?

You must show them to your employer within 3 days. However, your employer may not use this 72-hour delay to avoid penalties by hiring new undocumented workers each day.

8. DO I HAVE TO SIGN ANYTHING TO GET HIRED?

Yes. Both you and your employer must sign a verification form, based on your documents, confirming your identity and your authorization to work. There are criminal penalties for falsifying this statement.

9. WHAT SHOULD I DO IF I AM REFUSED EMPLOYMENT BECAUSE I AM NOT A U.S. CITIZEN OR I APPEAR TO BE FOREIGN - BORN?

The new immigration law says this may be illegal discrimination. There are other laws which prohibit discrimination based on race or national origin. If you think you have been discriminated against, you should immediately report it to your local union or community organization. They may be able to help you record your complaint and protect your rights.

10. IF I DO NOT QUALIFY TO WORK IN THE UNITED STATES, CAN I BE FINED FOR ACCEPTING A NEW JOB OR ANY UNAUTHORIZED WORK?

No. Fines are only for *employers* who hire unauthorized workers. (See box for fines.) Criminal penalties apply to you, however, if you provide false documents to an employer.

11. WHAT SHOULD I DO IF MY EMPLOYER ASKS ME TO PAY A BOND OR ANY OTHER MONEY FOR MY JOB?

You should not under any circumstances pay a bond to get or keep a job. It is unlawful for an employer to demand any money or a bond for reimbursement of any fines the employer may have to pay under the new law.

12. IF I WORK FOR A SUBCONTRACTOR, IS THE CONTRACT EMPLOYER OR THE SUBCONTRACTOR RESPONSIBLE FOR VERIFYING MY WORK AUTHORIZATION?

Only the subcontractor may have to verify your documents. The contract employer may be held responsible when a subcontractor hires undocumented workers.

13. WHAT SHOULD I DO IF INS RAIDS MY WORKSITE?

Stay calm, don't try to run away. **You have rights!** These rights can't be taken away from you. You have the **right** to refuse to answer any questions INS asks you (except for your name). Demand your **right** to make a phone call to an attorney or a member of your family. Exercise your right to see a list of attorneys who will handle your case at little or no cost; INS must keep such a list at its local offices.

Above all, exercise your **right not** to sign a voluntary departure request or any other document without first talking with an attorney, your local union, or your community organization. You have the **right** to a hearing before an immigration judge, the **right** to post bond for your release, and the **right** to have a bail reduction hearing.

INS Starts Media Campaign to Promote New Amnesty Plan, Improve Its Image

APR 10 1987

By CONSTANZA MONTANA
AND DIANNA SOLIS

Staff Reporters of THE WALL STREET JOURNAL

In an attempt to change its negative image among immigrants, the Immigration and Naturalization Service has turned to Hollywood.

The INS awarded a \$10.7 million contract yesterday to a Los Angeles group of three firms, who face the daunting task of explaining the new Immigration Reform and Control Act to a multilingual, multiethnic pool of illegal immigrants and employers. The contract comes just four weeks before the complex legalization process takes effect.

The advertising and public relations group is led by Fernando Oaxaca, a Los Angeles-based Hispanic Republican activist who once fought the immigration reform effort he'll now promote. Mr. Oaxaca lobbied against the Simpson-Mazzoli bill, an earlier version of the immigration act, because he objected to employer-sanction provisions that remain under the new law.

"We have a law in the United States and I'm going to be paid by the INS to help make it work the same way Maldet (Mexican American Legal Defense and Educational Fund) and other organizations that opposed the bill before are going to work in informing employers and aliens about what it means," Mr. Oaxaca said in an interview.

The 18-month contract calls for the Justice Group, a joint venture made up of JWT Group Inc.'s Hill & Knowlton Inc. unit, Coronado Communications Corp. and La Agencia de Orei & Asociados, to convince eligible undocumented immigrants to apply for amnesty and to inform employers about penalties related to hiring illegal workers under the new law.

Media experts and immigration-rights leaders say the public relations task is formidable. The major problems center on audience diversity and the fact that the government script has yet to be written. Regulations that explain crucial processes for legalization and employer sanctions haven't been finalized yet. Comments on those proposed regulations are being accepted until April 20. Hearings begin today on Capitol Hill on the proposed regulations, which many immigrant-rights and employer groups consider too restrictive and burdensome.

Processing centers run by the INS and community groups trusted by immigrants will begin accepting legalization applications May 5. Some immigration lawyers and groups are now calling for a delay in the start-up of the legalization program.

The Justice Group said its information campaign will be a combination of public service announcements and paid advertising. The first television commercial will probably go on the air the week of April 20.

Projecting an image of the INS as an agency that can be trusted by illegal immigrants will be a particularly vexing problem. For many Asian and Hispanic immi-

grants, mention of *la migra* (the INS) produces memories of raids in which people have been chased through factories or from homes, separated from families and placed in handcuffs for a trip to a detention center.

"This is like asking the Indians to trust Custer," said Herman Baca, a longtime Latino activist from the San Diego area. "Would the blacks have allowed the KKK to administer the Civil Rights Act?"

Mr. Oaxaca said the joint venture will be working with, and in some cases subcontracting with, a variety of community-based organizations that are already involved in counseling immigrants about legalization. At its peak, about 30 Justice Group employees will be coordinating the national campaign, which Mr. Oaxaca said will also involve "hundreds of organizations across the country and thousands of volunteers."

Employing trusted community leaders among immigrants, such as Roman Catholic priests, bishops and nuns, to assist in the education campaign would help, said Michael Martinez, who heads his own marketing firm in Texas and worked for years for Madison Avenue advertising concerns throughout the Americas. "But there is no immediate corrective action that will change the INS image from black to white all of a sudden," he added.

Media experts and immigration-rights leaders said another challenge of the campaign is the diversity of the audience it seeks to reach: large and small employers and ethnic groups ranging from affluent white South Africans to poor Mexicans. Some questions also have been raised about the extent to which the campaign will be aimed at Asian and other immigrants.

Immigration policy "developed" anti-Asian exclusionary laws, said William Tamayo, an attorney with the San Francisco-based Asian Law Caucus legal firm. In California, where the bulk of Asian immigrants reside, as many as 20 languages or dialects must be used to reach all those affected by the law, added Mr. Tamayo, who heads a national immigration-rights coalition. And even though a common language bonds Hispanic immigrants, cultural differences fracture the communities in New York, Los Angeles, Chicago, San Antonio, Texas, and Miami.

The campaign also faces the challenge of explaining to employers the raft of complex detail in the new law's employer-sanction and anti-discrimination provisions. The first lesson: An I-9 is now as basic as a W-2. The I-9 is the new form employers must complete to demonstrate they've made a good-faith effort to verify the legal status of every employee hired after Nov. 6, 1986.

Linda Wong, associate counsel for Maldet, said she doubted that the INS's public service announcements would "be given much credibility, given the 'untrust' for an agency long associated with deportation rather than legalization.

Michael Machesko, an INS official who

Herman, May 1, 1987
Thanks again,
-Dianna

will administer the public information and awareness contract, said the winning group will be reimbursed for its costs and receive an undisclosed percentage for profit.

The Justice Group venture wasn't the lowest bidder, he added. Twelve advertising firms bid for the contract in an open competition; they were evaluated for their technical skills as well as cost-effectiveness by a five-member Justice Department panel.

Though the \$10.7 million contract was awarded late in the game, the INS had already started a public-education campaign to provide details of what's known of the new law. In Houston recently, in a clear effort to change its image, the newly appointed INS district director opened a two-hour press briefing by saying, "We are dedicated to providing quality service with respect for human dignity. That is our motto." A banner with the motto hung behind the director.

However, in El Paso, Texas, a similar education forum began in English. The audience was filled with Spanish-speaking Mexicans.



EL
TEATRO DE LOS POBRES
PRESENTS

A CHICANO PLAY BY FELIX ALVAREZ

"MIGRA SI, RAZA NO!"

**F
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Wednesday, May 6th, 1987
at 7p.m.

San Jose State University
Student Union-Umunhum Rm.

Guest Speaker
Dolores Huerta

sponsored by:
S.J.S.U.-Chicana Alliance

**G
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Friday, May 8th, 1987
at 7p.m.

Sacred Heart Church
HARDEMAN HALL
(corner of Willow and Locust St.)

Guest Speaker
Herman Baca

Committee on Chicano Rights-San Diego
Sponsored by:
Sacred Heart Training Project & CCCA

INF 9265803 design: LUIS HERRANZA

**SAVE OUR FAMILIES!
DEFEND THE RIGHTS OF UNDOCUMENTED IMMIGRANTS!
Demonstrate your concern!
TUESDAY MAY 5
5:30 to 7:00**

Federal Building, 1st & San Carlos, San Jose

On May 5, traditionally celebrated as Mexican Independence Day, the INS will begin implementing the new immigration law's "amnesty" program. The program will legalize only a small portion of this country's undocumented immigrants. Most refugees, fleeing from war or repression abroad, will not qualify. Because of INS's technical requirements, many families will be broken up and thousands of productive workers will lose their jobs. Come show your support for the families affected and the effort to protect our immigrant communities. Hear speakers from the immigrant community, churches, and labor.

Sponsored by: THE NETWORK FOR IMMIGRANT RIGHTS AND SERVICES (including Asian Law Alliance, Catholic Charities, Interfaith Network on Central America, Laborers L. 270, Lutheran Social Services, MACSA, Raza Si, Social Education and Action Comm. of the S.C. Council of Churches, Teamsters L. 287, and others), SOUTH BAY SANCTUARY COVENANT, CORES.

El 5 de mayo, el día tradicional de la independencia mejicana, la inmigración va a empezar a dar efecto las nuevas leyes de inmigración del programa "amnistía." El programa va a legalizar solo una porción de inmigrantes indocumentados de este país. Muchos refugiados, huyendo de guerra o represión en el extranjero, no van a calificar. Los requisitos técnicos de la ley van a causar que muchas familias sean separadas y que miles de trabajadores productivos pierdan su trabajo. Vengan a enseñar su apoyo para el esfuerzo de proteger nuestras comunidades inmigrantes.

Patrocinado por: Red Por Derechos y Servicios Para el Inmigrante (Asian Law Alliance, Catholic Charities, Interfaith Network on Central America, Laborers L. 270, Lutheran Social Services, MACSA, Raza Si, Teamsters L. 287, y otros), Convenio Santuario del Sur de la Bahía, CORES.

5:30 PM Concentración: Edificio Federal, 1st y San Carlos, San Jose.

**DEFIENDA A NUESTRAS FAMILIAS!
APOYE LOS DERECHOS DEL INMIGRANTE INDOCUMENTADO
MARTES 5 DE MAYO, 1987**



RUSSELL MEANS FREEDOM IN '88

Russell Means for President Campaign, Honey Lanham, Treasurer
1412 West Ninth Street • Austin, Texas 78703
(512) 320-0801 • 320-8822

Rich Dueñez
P.O. Box 3395
San Diego, CA 92103
295-9510

June 12, 1987

Herman Baca
Committee for Chicano Rights
710 E. Third Street
National City, CA 92050

Dear Herman:

Russell Means is interested in participating in any future demonstrations against Simpson-Rodino, the INS, migra, or any other immigration/border issues which your organization may be planning to take place in the San Diego area.

If nothing is planned so far, he would like to help organize something to protest U.S. immigration policy. Please contact me at the number above if and when you have any plans or ideas. Gracias.

Sincerely,

Rich Dueñez,
Southern California Campaign Coordinator

HERMANDAD MEXICANA NACIONAL

A NON-PROFIT MUTUAL AID ORGANIZATION FOUNDED IN 1951

July 7, 1987

Mr. Herman Baca
710 East 3rd Street
National City, California 92050

Dear Herman:

La Hermandad has asked me to prepare a proposal to present to the Rockefeller Foundation to train Spanish-speaking grass-roots immigrant community leaders across the country. I have enclosed a flyer that briefly describes the project. We are asking people in key areas of the country to write letters to Bert in support of the project to accompany the proposal.

Dad is planning to leave for New York on July 16 and will take as many letters as he has received. If others come in later, that is fine, but we would appreciate hearing at (818) 764-9965, that one is on the way.

We hope you will be willing to send a letter of support for the project.

I hope all your activities are going well and I look forward to the chance to see you the next time I am in Southern California.

Saludos,

Margo Corona De Ley
Midwest Coordinator

MDL:bb
enc.

University of Illinois
at Urbana-Champaign

Overseas Projects and
Foreign Visitors



Margo De Ley
Acting Assistant Director

310 Coble Hall
801 South Wright Street
Champaign, IL 61820 217 244-4237

National Committee for Fair Immigration Reform

256 S. Occidental Boulevard, Los Angeles, California 90057 • (213) 388-8693



Partial Listing (Organization listing for identification purposes)

LABOR ORGANIZATIONS:

ANTONIO R. VILLAR

President, Amer. Fed. Govt. Employees, AFL-CIO
Local 3230, Denver West

KENNY SCOTT

Sec.-Treas., Local 25, Int. Brotherhood
Carpenters & Joiners, AFL-CIO, Los Angeles, CA

FRANK GURULE

Sec.-Treas., Local 721, Int. Brotherhood
Carpenters & Joiners, AFL-CIO, Los Angeles, CA

RAY WILSON

Bus. Mgr., So. CA Dist. Council of Laborers
Laborer's Int. Union, AFL-CIO, Los Angeles, CA

HANK GONZALEZ

Asst. Reg. Dir. Region 6 UAW, AFL-CIO
Mayor, City of South Gate, CA

JOE PLACENTIA

Int. Rep. CAP Dept., Region 6, UAW
AFL-CIO, Bell, CA

PETE Z. BELTRAN

Pres., Local 645 Gen. Motors UAW, AFL-CIO
Van Nuys, CA

ARLINE MORDASINI, President

PAT CHAPIN, Bus. Agent

BILL FALCON, Bus. Agent
Local 911, Int. Bro'hood Teamsters, Long Beach, CA

VERN WATKINS

Pres. Dist. Council 36, AFSCME, AFL-CIO, L.A., CA

MIKE QUEVEDO

Bus. Mgr. Local 300 Laborers Inc. Union, L.A., CA

ENOCH L. STARNER

Sec.-Treas. Local 814, Culinary Workers/Bartenders
AFL-CIO, Santa Monica, CA

CARL KESSLER

Ex. Bd. Member & Delegate, Los Angeles County
Fed. of Labor AFL-CIO, Los Angeles, CA

JOHN RANDOLPH

Brd. Directors Member, Screen Actors Guild
AFL-CIO, Hollywood, CA

ELIZA CHAVEZ

Bus. Agent, So. Calif. Dist. Council ILGWU
AFL-CIO, Los Angeles, CA

HUMBERTO CAMACHO

Int. Rep. United Electrical Workers Union
So. Calif. Dist. Council, Compton, CA

ONEIL M. CANNON

Trustee, AFSCME, Local 1108, AFL-CIO, L.A., CA

NELLIE A. CROWLEY

Sec. Treas. Int. Laundry & Dry Cleaning Local 52
AFL-CIO, Los Angeles, CA

LOUISA BLUE

Pres., Service Employees Int. Union Local 400
AFL-CIO, San Francisco, CA

INTERNATIONAL EXECUTIVE BOARD

ILWU, Northern & Southern CA Dist. Councils

IGNACIO DE LA FUENTE

Sec. Treas., Int. Molders Union Local 164
AFL-CIO, San Francisco, CA

JAIME FLORES, Business Agent

Pat Lee, Business Agent

Hotel & Restaurant Workers Union, Local No. 2
AFL-CIO, San Francisco, CA

DAVID KINNEY

Bus. Agent, Int. Brotherhood Teamsters Local 624
San Francisco, CA

JOSE MEDINA

Dir. Instituto Laboral De La Raza, San Francisco CA

CARLOS R. CERNA

Sec., Treas. Local 300 Int. Laborer's Union
AFL-CIO, Los Angeles, CA

GLORIA LARRIGAN

Vice Pres. Dist. 36 AFSCME, AFL-CIO, L.A., CA

THOMAS PINUELAS

Rec. Secty., Local 300 Int. Laborers Union
AFL-CIO, Los Angeles, CA

CYNTHIA REQUEJO

Bus. Mgr., Local 1010, United Furniture Workers
AFL-CIO, Los Angeles, CA

LIBRADO CHAVEZ

Exec. Brd. Mgr., Local 300
International Laborer's Union, AFL-CIO

ISMAEL PARRA

Chairman, United Teachers, Los Angeles, AFL-CIO
Chicano Education Committee

July 28, 1987

Herman Baca
710 East Third Street
National City, CA 92050

Dear Herman:

I am writing in regard to the project which my Dad and La Hermandad Mexicana Nacional are proposing to the Rockefeller Foundation. I have spoken with a representative of the Equal Opportunities Division of the Foundation, and they are seriously considering the proposal. We still very much need letters of support for the project to be sent to Dad at La Hermandad, 7051 1/2 Vineland Avenue, North Hollywood, CA 91605.

We hope that you are willing and able to provide a letter of support, as asked in my letter of July 7. If you have any questions about the proposed project or how it will benefit undocumented people in the San Diego area, please contact Dad at 818-764-9965.

Very Best Regards,

Margo Corona De Ley
Midwest Coordinator
La Hermandad Mexicana Nacional

cc: Bert Corona

ROBERT D. GARCIA

Staff Outreach, So. Calif. Unions for the Freeze

HERB BARTON

Exec. Brd. Local 300, Int. Laborers Union
AFL-CIO, Los Angeles, CA

DR. DUANE CAMPBELL

Pres. United Professors of Calif. Local 1593
AFT, AFL-CIO, Sacramento, CA

SOLEDAD ALATORRE

UAW Reg. 6, Los Angeles, CA

LARRY FRANK

Chairman, Unions for Jobs with Peace, So. Calif.

THERIVA FISHER

So. Calif. Unions for the Freeze

BERNARD SAPIRO

Pres. Local 388, Graphic Workers Int. Union
AFL-CIO, Los Angeles, CA

SPANISH-SPEAKING IMMIGRANT LEADERSHIP DEVELOPMENT PROJECT

La Hermandad Mexicana Nacional
National Center for Immigrants' Rights
Instituto Laboral de la Raza

CALL FOR LETTERS OF SUPPORT FOR THIS PROJECT

La Hermandad Mexicana Nacional, a non-profit, grass-roots organization serving Spanish-speaking immigrant workers and their families based in Southern California is proposing to the Rockefeller Foundation to develop the capabilities of Spanish-speaking immigrants' organizations around the country to assist their communities in three areas:

- * employment discrimination (for undocumented, documented, and citizen workers)
- * immigration assistance (legalization, permanent residence, citizenship)
- * organization-building strategies and mobilization of volunteers

The project would begin in the fall of 1987 and continue for two years. It would be co-directed by Bert Corona and Nativo Lopez of La Hermandad, with the collaboration of Peter Schey of the National Center for Immigrants' Rights and Jose Medina of the Instituto Laboral de la Raza. The project will provide one week of training in these three areas, all expenses paid, to 36 grass-roots Spanish-speaking community leaders. This national training workshop will be held in Southern California at the main office of La Hermandad Mexicana Nacional. Participants in the national workshop will receive

- * training from nationally-recognized leaders in the fields of immigration assistance, employment discrimination assistance, and community organizing
- * participation in the activities of one of the country's fastest-growing grass-roots immigrants' organizations
- * a training manual (in Spanish and English) for use by the participants' organizations
- * a budget of \$2,500 to hold a two-to-three-day training workshop for their city or region (24 estimated participants)
- * follow-up assistance, networking, newsletter, and visits from project staff during the two-years of the project as part of a nation-wide network of 900 trained, committed, and active community leaders

YOUR ASSISTANCE IS NEEDED to provide a letter of support for the project if you would like to participate in it or if you would like to help identify participants at either the national or local level. We hope you would be willing to write that

- * the project is an excellent idea and that training in these areas is very much needed
- * you will assist in selecting someone to go to the national workshop from your area and hope to participate in the local workshop

Your letter of support should be addressed to Bert Corona, La Hermandad Mexicana Nacional, 7051 1/2 Vineland Avenue, North Hollywood, CA 91605 by July 16. If you have questions or suggestions about the project, contact Margo De Ley, Midwest Coordinator, 502 West Main #229, Urbana, IL 61801 (217) 244-4237.

SPANISH-SPEAKING IMMIGRANT LEADERSHIP DEVELOPMENT PROJECT

La Hermandad Mexicana Nacional
National Center for Immigrants' Rights
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CCR

Committee on Chicano Rights, Inc

AUGUST 3, 1987

LA HERMANDAD MEXICANA NACIONAL
7051½ VINELAND AVENUE, NORTH
HOLLYWOOD, CA 91605

ESTIMADO BERT CORONA:

THE COMMITTEE ON CHICANO RIGHTS (CCR) WHOLEHEARTLY SUPPORTS LA HERMANDAD MEXICANA NACIONAL EFFORTS TO CREATE THE SPANISH-SPEAKING LEADERSHIP DEVELOPMENT PROJECT. OUR ORGANIZATION RECOGNIZES LA HERMANDAD AS AN ORGANIZATION THAT HAS FOUGHT AGAINST THE RACISM AND DISCRIMINATION (FOR DECADES) THAT OUR PEOPLE SUFFER DAILY. LA HERMANDAD IS ALSO ONE OF THE FEW NATIONAL ORGANIZATIONS THAT CAN POINT TO ITS RECORD OF ORGANIZING, AND INCLUDING THE UNDOCUMENTED IN ITS MEMBERSHIP. WE GO ON RECORD OF URGING SERIOUS CONSIDERATION AND APPROVAL OF THE PROPOSED PROJECT. IF ANYONE IS IN NEED OF FURTHER INFORMATION OR DOCUMENTATION PLEASE FEEL FREE TO FORWARD THEM TO US AT (619) 474-8195.

ADELANTE;

Herman Baca
HERMAN BACA, CHAIRPERSON

August 27, 1987

Mr. Herman Baca
Committee On Chicano Rights
710 East 3rd
National City, CA

Dear Mr. Baca:

Your are one of the few "old fashioned" activists I have never met. I have always felt that was my loss because Gilbert Pompa a good friend and colleague for many years when we were both in CRS used to talk about you all the time. I thought I would meet you the year CRS had an immigration seminar in San Diego but the trip didn't work out.

As a subscriber to the New Yorker Magazine I try to find time to read their long articles as often as I can but sometime I get behind and can't catch up. This is how I missed their piece on San Diego and Tijuana in the December 29th issue.

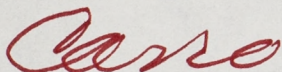
I thought the writer (William Murry) did a very good job bringing to light perspectives that escape the average newspaper reader on Tijuana and San Diego. If you haven't read the piece I am referring to, you really ought to the first chance you get.

Anyhow, I would like to congradulate you on the length of your tenure as a Chicano leader and, also, for the pithy way you address your remarks to the press on law enforcement, immigration, employment etc.

When I read your quotes, I walways get an ouch-type reaction and then I say to myself that ought fix them.

Of course, I wish you well and lots of good luck.

Sincerely,



Gonzalo R. Cano,
Berbere Imports



Berberere Imports

144 South Robertson Blvd.
Los Angeles, CA 90048, U.S.A.
(213) 274-7064

August 10, 1987

Mr. John Van de Kamp
California Attorney General
Sacramento, California

Dear John:

I know in the real world of politics, politics is to justice what money is to politics to add a little to what Jess Unruh used to say. But, I must tell you I was still disappointed to learn from the press recently that a federal judge found it necessary to call into question the facts presented by the defense in the case involving the shooting of a Mexican youth at the U.S./Mexican border by a U.S. Border Patrol agent.

After your office had turned down the possibility of prosecuting the case, I took it for granted because you were involved that the basic elements of the incident were so obviously on the side of law enforcement officials that there was no need for you to intervene in the matter.

Now, I learn that a federal judge disagrees. It was her opinion and judgement that the physical evidence in the case does not support the contentions of the defense in the shooting. In plain English the facts of the case were out of whack. In situations like this I have always thought that it was the job of a jury to sort out the truth.

I know there are serious political drawbacks to prosecuting law enforcement people but I would prefer to feel that your office has the will to make tough judgements of law regardless of who or what the case might involve.

I must say that I am really bothered by this particular shooting. I feel it need not have been treated so casually.

Sincerely,

Gonzalo R. Cano,
Berbere Imports

CC: R. DeLeon



Handwoven Tribal Rugs from North Africa and the Middle East

1515 K Street, Suite 600
P. O. Box 944255
Sacramento, California 94244-2550
(916) 324-5437



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Los Angeles, California 90010
(213) 736-2273

State of California
Office of the Attorney General
John K. Van de Kamp
Attorney General

August 26, 1987

Mr. Gonzalo R. Cano
Berbere Imports
144 South Robertson Blvd.
Los Angeles, California 90048

Dear Gonzalo:

I personally visited the site where the border patrol agent shot the young Mexican, out of concern that the previous investigation had not been conducted properly.

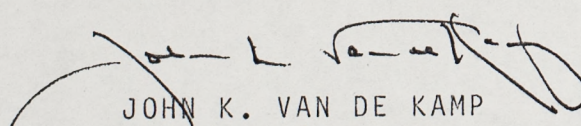
As you know, we were called in after the local investigation had "cleared" the agent. I found after our exhaustive investigation that no one had pinned down a specific location and that an event reconstruction was virtually impossible.

We were then left with mixed accounts. I had to conclude that for purposes of a criminal prosecution, the evidence would not convince a jury beyond a reasonable doubt. I believed, however, that on civil charges, the boy might well prevail on a "preponderance of the evidence" standard. And, so he has.

Had our office been called to the scene at the outset, and had we been able to conduct a timely, thorough, and complete investigation, our conclusion might have been different. But we were not called.

I was troubled by the case, as you obviously are. We gave it our best shot and applied the same filing standards to it that we regularly employ.

My best to Suad,



JOHN K. VAN DE KAMP
Attorney General

jd

Confidential from
Rupert Costo

Sept. 20, 1987

Dear Brothers and Sisters:

My wife and I have attended the recent Tekakwitha Conference in Phoenix, where Pope John Paul II participated in a special event in his honor. Jeannette and I agreed to coordinate the media coverage. This was in line with our commitment to cover the event for more than three hundred Indian newspapers.

We paid our own transportation, by the way. We paid for our hotel and meals also. Tekakwitha agreed to cover the expense of the telephone calls made on their behalf, and this was minimal. However, the purpose of this letter is to give you my perception of Pope John Paul's remarks. After stating that the time has come to go forward, forget past mistakes and work for the future, the pontiff said:

"One priest who deserves special mention among the missionaries is the beloved Fray Junipero Serra, who travelled through Lower and Upper California. He had frequent clashes with the civil authorities over the treatment of Indians. In 1773 he presented to the Viceroy in Mexico City a Representacion, which is sometimes called a "Bill of Rights" for Indians. The Church had long been convinced of the need to protect them from exploitation. Already in 1537, my predecessor Pope Paul III proclaimed the dignity and rights of the native peoples of the Americas by insisting that they not be deprived of their freedom or the possession of their property. (Pastoral Officium, May 29, 1537: DS 1495). In Spain the Dominican priest, Francisco de Vitoria, became the staunch advocate of the rights of the Indians and formulated the basis for international law regarding the rights of peoples..."

First of all, Pope John Paul is misinformed. It was not Serra who presented the so-called Bill of Indian Rights to the Viceroy of Mexico. It was Anza, and Serra agreed, but then proceeded to violate every point in that document. It was in that same 16th century, despite the protestations of rights for Indians, that Cortés committed genocide against the Mexican Indians, depopulating the region, sending gold and precious metals to Spain by robbing the Indians. Indian property was confiscated. Genocide was committed. Thus, the Pope is truly misinformed.

These remarks surprised us. We had been given to believe that nothing would be said about Serra until the Vatican had read our book and examined our extensive evidence regarding the missions as a means of genocide against the Indians.

Our main concern was the activity of Monterey Bishop Thaddeus Shubsda, who launched a barrage of misinformation and insults against the Indians of California. With the help of eight intellectuals he then proceeded to defame and insult us by falsifying our history and culture.

You know the evidence we presented in our professional,

Indians of California - 2

scholarly work: The Missions of California: A Legacy of Genocide. This is now being used in the schools in many places, and is highly praised by objective scholars. We still believe that Serra does not deserve to be considered a saint.

This is sent to you, so that you will understand that we have no quarrel with the church. But we do have a right and an obligation - a responsibility - to set the record straight and to stop the defamation of our people.

We were interested to hear the Pope's remarks in San Francisco, in which he said: "There should be justice for all people." We feel that there is no justice in what is being said about California Indians by those who desire sanctification for Junipero Serra.

This book has been produced at the expense of the independent publishing house, The Indian Historian Press. We have received no funds from anybody. The cost of the book is such that sales will not cover it.

By this means I am informing you of what has happened. It seems clear to me, as another observation, that there is little knowledge about the Indians of California in the state itself. We must therefore inform our people about our history and culture, the true history of our people. Unfortunately, the tribes in the rest of the country know even less about the California Indians than do those of California.

A tremendous educational task awaits us. Such a program must be launched without delay.

We now ask your advice. Shall we proceed along this course? For, if we do, we need your support, and the support of all the Indians of the country. We do not ask for money.

Your brother,
Rupert Costo
Rupe Costo, a Cahuilla man

Your response should be sent to:

Rupert Costo
1493 Masonic Avenue
San Francisco, Ca. 94117

YOU ARE INVITED

Professor Alfonso Ortiz, renowned Pueblo anthropologist, winner of the MacArthur Fund five-year grant for outstanding work, now at the University of New Mexico, Albuquerque, will give the inaugural address for the

RUPERT COSTO ACADEMIC CHAIR IN AMERICAN INDIAN
HISTORY AT THE UNIVERSITY OF CALIFORNIA, RIVERSIDE

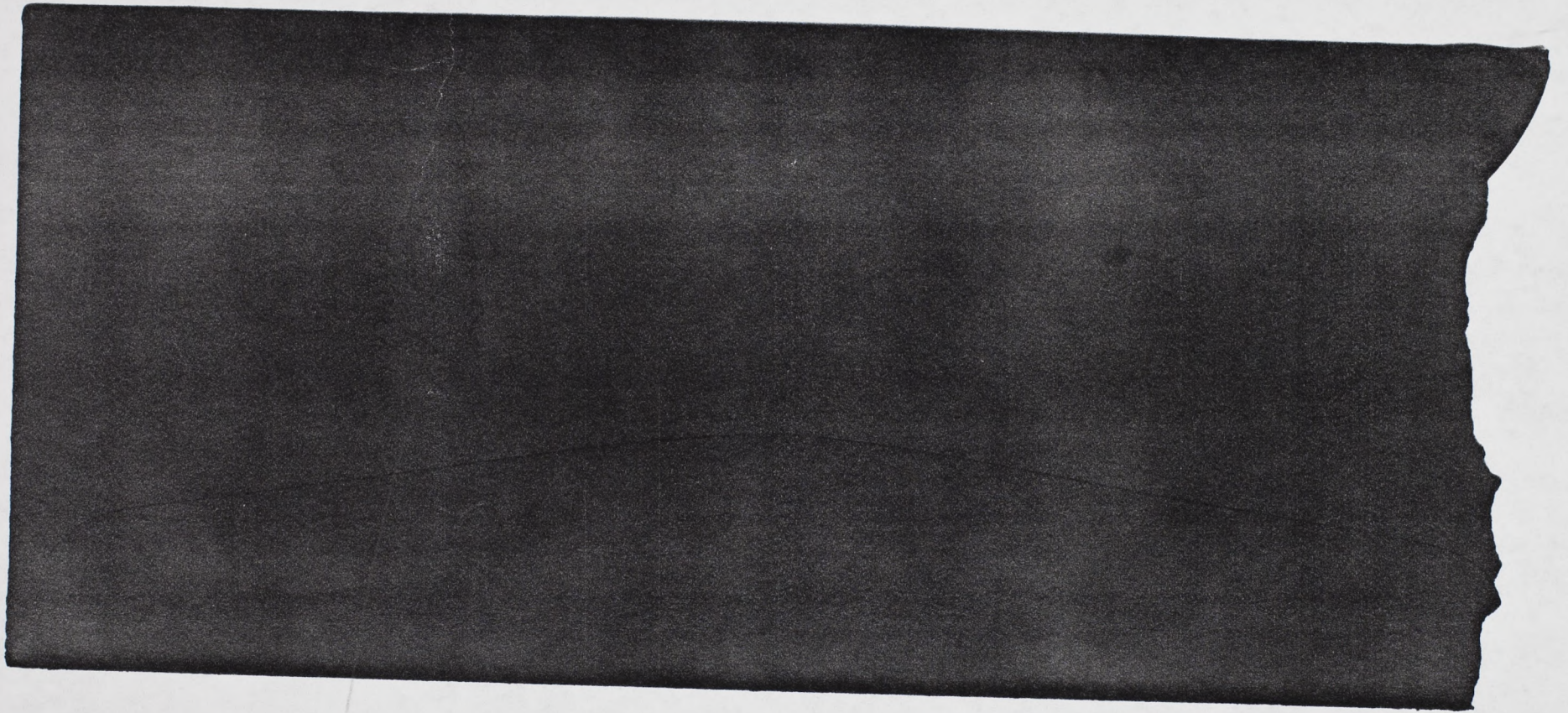
on Wednesday, October 21, 1987, at 3 p.m.

There is no charge. Refreshments will be served following the address. Professor Ortiz will also be meeting with groups of students and faculty while he is on campus.

Please let us know if you intend to be with us, so that we may set aside your place.

Send your response to:

OFFICE OF THE CHANCELLOR
University of California, Riverside
Riverside, Ca. 92521



"received his bail back"
1985

National Network for Immigrant and Refugee Rights

Monthly Newsletter

Vol. I, No. 1

October, 1987

Introducing the National Network for Immigrant and Refugee Rights

The National Network for Immigrant and Refugee Rights was formalized just over a year ago, but emerges out of a history of protest against the Simpson/Rodino bill and other assaults on the rights of immigrants and refugees. It was created to help build an immigrant rights movement to gain full and equal rights for all immigrants.

In the initial fight against the Simpson/Mazoli bill, a number of local and national groups and coalitions began to work together to organize educationals, protests, media work, and Congressional pressure against the bill. A variety of national conferences and follow up activities helped to bring these groups together, and sharpened the need for a national perspective and coordination to fight for the legitimization of the demand for full rights for all immigrants, including the defense of the rights of the undocumented.

Some 250 immigrant rights advocates and organizers from around the country participated in the National Conference for Immigrant and Refugee Rights held in May, 1986 in Los Angeles.

Among the proposals from that conference was one to formalize the National Network. Since that conference, a national board of various local, national and sectoral representatives has been formed and has met every six months to analyze current issues, strategize, and plan national activities. A national office has been created, and funds sought to sustain Network operations and activities.

The national monthly newsletter is just one step towards improving communications, establishing the presence of the National Network, and providing a forum for discussion of key national issues. (For a summary of results from the last National Board meeting, please see the article on page 3.)

National Protests Set for IRCA Anniversary

The third annual activities for the National Day of Justice for Immigrants and Refugees will focus on protesting the Immigration Reform and Control Act (IRCA) on the first anniversary of its becoming law.

The National Network is joining with local coalitions and other organizations in calling for a National Day of Protest on Nov. 6, marking the first year of IRCA. Pickets and media activities will be scheduled around the country for that day. Preceding these actions are a number of other events in recognition of the National Day of Justice, October 24. In New York, on Oct. 29, a major public hearing is scheduled, with a similar activity in San Francisco on Nov. 5; both hearings will highlight community testimony about the problems in IRCA and its implementation.

With IRCA less than a year old, numerous abuses, inadequacies and cases of injustice have been reported from around the country, verifying the oppressive character of the legislation.

The Immigration and Naturalization Service has highlighted the total number of applications that have been submitted for legalization, neglecting information on the actual number that have been approved. As of August 24, the number of applications submitted to the legalization program was 460,550, with another 77,041 applications through the SAW (Special Agricultural Workers) program. However, the number of applications accepted as completed, and the number actually approved for temporary status is another story.

In late August, newspapers in Houston reported on the "near-riot" at the INS legalization processing center when angry legalization applicants, many of whom had been waiting for two to three days just to get into the office, rebelled at being told to leave and come back later to be seen. Many of those waiting in line were fearful of not getting their work authorization papers by the September 1 deadline, and of being fired or not hired.

While generally attempting to distort the actual low numbers that have applied, the INS has acknowledged that many people are not applying for legalization because they are still misinformed of the process; they fear what may become of unqualified family members;

continued on back page

IMMIGRANT RIGHTS AFTER IRCA

by Bill Tamayo, Chairperson, NNIRR National Board

The enactment of the Simpson/Rodino bill is a bitter pill to swallow. With the new law much confusion has arisen regarding the direction and program of the young, but developing immigrant rights movement. In the confusion, many who opposed Simpson Rodino have retreated from the immigration arena, while some have become mired in the processing of legalization cases without critiquing the overall impact of the law. It is this critical juncture, however, that forces all immigrant rights advocates to step back and reassert the basic framework of full rights for all - regardless of immigration status.

We cannot forget that the basic intent of IRCA was to deny employment and basic rights to thousands, if not millions, of people who are forced by sheer poverty or by the repression in their homelands to live in the United States. So while IRCA will legalize thousands, IRCA has also served to legalize discrimination, to legalize the unemployment of millions of immigrants and refugees, to legalize their poverty, to legalize the denial of public benefits to them, and to legalize their increased exploitation at the hands of unscrupulous employers while denying them protections under the labor laws. Since the law's enactment, many grandfathered employees ineligible for legalization have been erroneously or callously fired and now find themselves unable to obtain a job to support him/herself and family.

On a broader scale, Congress has given its imprimatur to the nativist, racist arguments of the close-minded public, and has reaffirmed that immigration policy will continue to be the domestic teammate of US foreign policy.

This monthly newsletter is published by the National Network for Immigrant and Refugee Rights. Commentaries, articles, and letters are welcome and should be sent to the national office at the following address (please include your name, address and phone number):

**National Network for Immigrant
and Refugee Rights
310 - 8th Street, Suite 307
Oakland, CA 94607**

Immigrant rights activists can hardly afford to rest. We will have to challenge IRCA at every opportunity, expand the rights and benefits allowed, and day-to-day attack the fundamental premises of the law. Moreover, we have to reassert that massive migration to the United States will continue as long as the foreign policy that propels millions to the US remains. As we approach 1988, the national and local elections must be viewed as key instruments to raise the issue of immigrant rights on the national agenda and to rally all those who advocate for civil rights against this repressive law.

It won't be easy advocating on behalf of a sector of US society that oftentimes is non-white, noncitizen, non-English speaking, nonvoting, that has no money, that fears deportation, that faces persecution and extreme poverty if deported, and to top it off, is blamed for everything from unemployment, pollution, overpopulation, drugs, terrorism, and crime. There is no need to compound the difficulties, which more than overwhelm the advocates, with serious vacillations on the rights of the undocumented. In fact, what is needed is a new vision, a high perspective, and a realization that in this new period the defense of immigrants and refugees will be paramount on the civil rights movement's agenda and will test that movement time and time again. It will call on that movement to rededicate itself to protecting the rights of all - regardless of race, regardless of color, regardless of immigration status.

National Network Seeking Executive Director

The National Network for Immigrant and Refugee Rights is currently seeking applicants for the position of Executive Director.

The Executive Director will be responsible for representing the positions of the National Network, for helping to organize campaigns and projects, and for administering the day-to-day functions of the national office in the Bay Area.

The position will be fulltime, with salary and benefits.

Interested applicants should call the national office at (415) 465-1984 for more information.

National Network Board Sets Plans for Year

The Board of the National Network met Sept. 12 and 13 in Chicago to summarize plans and developments during the last six months and to prepare plans for the next period. Some 25 people representing various regions, sectors, and organizations attended the meeting which was hosted by the Chicago-based Midwest Coalition in Defense of Immigrants.

The agenda focused on discussions on the implementation of IRCA; the significance of the 1988 presidential elections and impact on the immigrant rights issue; the status of Central American refugees; and the development of the Network itself, including plans for a national conference in March, 1988. Local areas provided reports on immigrant and refugee rights developments, and organizing prospects.

There was an extended discussion of the problems in the implementation of IRCA — which will be the focus of national activities next month in recognition of the National Day of Justice for Immigrants and Refugees on Oct. 24, and the one year anniversary of IRCA, just two weeks later.

CAMPAIGN TO REPEAL SANCTIONS

An "IRCA Task Force" was designated of Network representatives from the New York area, and was charged with developing a thorough proposal for a campaign challenging IRCA. The main focus of the proposal is to be a plan for the repeal of employer sanctions, a politically vulnerable and certainly controversial feature of the bill, and considered by many to be the centerpiece of the new law. The Task Force will be responsible for researching congressional politics around sanctions, the process for creating an "independent" challenge to sanctions, etc. The relation to the legalization problems and to the documentation of abuses will also be studied as part of the proposal, which should be drafted within the next month or so.

With the 1988 presidential elections around the corner, note was also made of the importance of grasping new political opportunities to legitimize the question of immigrant and refugee rights as a national issue. Considering the impact of the course of electoral politics on the Simpson/Mazzoli debates in the past, plans to challenge IRCA must take into consideration the broader political scene. (See article on elections for details.)

Considerable time was also spent in discussing the situation of Central American refugees, and in particular, the DeConcini/Moakley bill still pending in

Congress. Within the Network, and among other forces in the immigrant rights movement, there has remained some controversy over the issue of support for this legislation. After a full airing of various positions, the Board decided that the best position it could take would be to continue to press for what has been the Network's basic position on the issue: an end to all deportations of Central American refugees; and extended voluntary departure for all Central American refugees, including work authorization. The Network has also pressed for broad and fair consideration of political asylum applications, unfettered by the distortions and heavy-handed influence of the U.S. State Department as guardian of foreign policy interests. All present at the Board meeting recognized the current limits being placed on the refugee legislation, and the need of the Network to "keep the debate open" by pressing for a fuller end to deportations and for the protection of refugee rights.

NATIONAL CONFERENCE PLANNED

The Board also formed another subcommittee to begin planning the next national conference, scheduled for March 26 and 27 in the Windy City of Chicago. That subcommittee will meet in October to discuss the program proposals, consider speakers, pursue fundraising, and map out a conference planning timetable. This will be the first national conference sponsored by the new Network, and not by an ad hoc planning committee. While hoping to attract current immigrant and refugee rights advocates and organizers, the Board discussed the importance of expanding the target audience to include more representatives from labor, the sanctuary movement, and from the Black community.

The next Board meeting will be the day after the national conference in March. In the meantime, Board members cited the importance of circulating discussion papers on key developments and issues, as the Network provides one of the few vehicles for national and progressive analysis and debate among members who are generally tied into many immediate and local concerns and perspectives.

Attending the Board meeting were the following members and observers:

Darlene Kalke, Center for Immigrants Rights, N.Y.
Gloria Furman, Arizona Farmworkers Union, Phoenix
Roberto Alfaro, Central American Refugee Network (CARNET), Washington, D.C.
Sylvia Rosales, CARECEN and CARNET, Washington, D.C.
Oswaldo Alfaro, AFSC, Chicago
Stan Mark, Asian American Legal Defense and Education Fund, N.Y.
Wilma Cadorna, Los Angeles
Maria Jimenez, Immigration Law Enforcement Monitoring Project, Houston

continued on back page

Immigrant and Refugee Rights and the 1988 Elections

With the 1988 presidential race approaching, immigrant and refugee rights advocates are beginning to examine new conditions for establishing a progressive position on the broad immigration issues.

For certain sectors, presidential candidate positions on the immigration issue may be a strong concern. As platforms are developed and the campaigning begins in earnest, candidate positions on immigration may be no small matter in influencing the shaping of public opinion.

In 1984, the congressional debate over the Simpson/Mazzoli bill was certainly influenced by the developments and timing of the elections. Simpson/Mazzoli actually became an issue at the 1984 Democratic National Convention, when LULAC and members of the Democratic Party Hispanic Caucus united in pressuring the candidates on their opposition to Simpson/Mazzoli. Because of the emphasis on the importance of the Latino vote in 1984, most candidates did not want to be viewed unfavorably. Most consistently, the Rev. Jesse Jackson, in his campaign work around the country, spoke most strongly against Simpson/Mazzoli, certainly adding some fuel and allies to the anti Simpson/Mazzoli debate.

Most recently, the Arab American Institute (AAI) initiated a national-level meeting among other im-

migrant rights and constituency-based groups to discuss an "Immigrant Rights Education Project", which the AAI viewed as a means of raising public awareness of the immigration question during the election period, and of influencing platform positions on immigration. The Network and several other groups are in the process of discussing the plans and possible positions of this new coalition of groups involved in the Project.

The National Network, in its last national Board meeting, discussed the importance of popularizing the Network's positions on immigration issues both to educate the voting public, but also to influence the articulation of the most progressive positions on immigration during the elections. While the Network and other groups will not be "endorsing" candidates, there is certainly a sense of responsibility to shape national opinion on immigration as an important national political, social and economic concern.

Through its local and national outreach work, the Network will be active in bringing its analysis of the immigration issues to local groups and coalitions, especially those in immigrant base communities, and who will be determining their electoral participation on the basis or candidate opinions on immigration and other key issues of concern to them.

INS Proposes New Political Asylum Regulations

On Aug. 28, the INS published new regulations that affect the determination of political asylum and withholding of deportation. Interested parties have until Oct. 27 to comment on the proposals.

Many refugee rights advocates are concerned about the implications of the proposed regulations, which may limit the application process. Under the new regulations, the authority for asylum and withholding of deportation decisions would be given over to "specially trained" INS asylum officers, rather than to INS District Directors, who now have the initial say on these issues. Supposedly, these new assignments and process would speed up asylum decisions.

However, the new asylum officers would conduct "nonadversarial" interviews with the applicants to get "all relevant and useful information bearing on the applicant's eligibility for the form of relief sought." While

applicants can have an attorney present and present testimony, affidavits and witnesses, there is concern that the new procedure limits the applicants rights to challenge INS positions. Appeals would be made to the Board of Immigration Appeals. In several areas, there are substantial differences in the numbers of applicants receiving asylum when appearing before an immigration judge than when cases are handled only administratively, when chances are reduced.

The proposals indicate that the main source of information on persecution of people in any country would be based on State Department annual reports on human rights practices in those countries — stressing the influence that the State Department currently has over asylum claims. In addition, comments by the State Department's Bureau of Human Rights and Humanitarian Affairs (BHRHA) would be made optional, although immigration judges and district directors have generally relied on these sources in their asylum decisions.

Other particular proposals are still being studied, but as a whole are cause for some concern that the asylum process, especially for Central Americans, may be made even less accessible than it already is.

Project Seeks Information on Enforcement Practices and Abuse

The American Friends Service Committee has initiated a new program to review abuse against immigrants. The "Immigration Law Enforcement Monitoring Project" (ILEMP) is headquartered in Houston.

The project stems out of the AFSC's experience in monitoring immigration law enforcement practices in San Diego, Laredo and Miami, and shares the goals of the AFSC's U.S. - Mexico Border Program. These goals include the reduction of the levels of INS abuse; changing INS policies; increasing public awareness and understanding; and assisting undocumented persons in exercising their rights.

ILEMP will focus on three areas: community participation in documenting abuses and seeking appropriate remedies; the exchange of information on patterns of immigration law enforcement practices and abuses in order to analyze needed policy changes; and the dissemination of this information to bolster organizing and advocacy work for immigrant and refugee rights.

Maria Jimenez, ILEMP's director of education and communication, has created three program areas to implement the project. The first component, a training session on the documentation of abuses, has been implemented in a number of areas around the country. In addition a computerized process for collection of data is being developed, as well as a communication strategy that will make available information for local and national education organizing purposes.

Anyone interested in more information on ILEMP should contact Maria Jimenez at (713) 524-5428, or write ILEMP, c/o YMCA, 2901 W. Dallas St., Houston, Texas 77019.

I-9 Compliance Questioned

Many problems and concerns have already been raised over the use of and compliance with the "I-9" verification process. In fact some religious community and civil liberties groups are raising the possibility of not complying with the I-9 process in protest of the impact of employer sanctions.

Certainly the practice so far has not been a pleasant one for hundreds of immigrant workers — undocumented and documented who have been the victims of the implementation of sanctions. There have been firings of hundreds of "grandfathered" workers — those hired before Nov. 6 when the Simpson/Rodino bill became law. Some employers have disregarded affidavits testifying to the intent of qualified undocumented workers to apply for legalization while other

employers have outright rejected the hiring of any "foreign-looking" workers — a common complaint of many Asian and Latino workers.

According to the new law, employers must be able to produce I-9 verification documents for all employees hired after Nov. 6, 1986. These documents are not required for workers hired before that date. However, as many immigrant workers fear, if one is fired or laid off and must seek new employment, they will have to file an I-9, or they will not be hired at all because they are immigrants. Some employers will not fire their undocumented workers; they will merely hold the "threat" of a lay off or firing over the heads of the workers who will be forced to accept the lowest wages or poorest working conditions without complaint.

In continued protest of employer sanctions, some organizations with employees are considering "non-compliance", essentially, "conscientious objectors" to the I-9 process. Compliance with the I-9 verification process means taking responsibility for all the false rationale and also for the consequences of compliance. According to the law, workers who failed to produce documentation would have to be fired — or the employer face penalties.

Some organizations are not prepared to fire either undocumented or even U.S. citizen workers who may feel the I-9 is a violation of their privacy rights. And of course, the firing of undocumented who may not qualify for legalization means throwing possibly whole families into the streets to face an uncertain economic future. Several groups are now considering both legal and political recourses, understanding that such a stand would be a political one, but with possible legal consequences.

For more information on I-9 compliance, please contact Dan Kesselbrenner of the National Lawyers Guild, National Immigration Project (617) 227-9727.

Judge Orders Probation for CMA Terrorist

A judge has given a 5-year probation sentence to J. R. Hagan, a member of the Civilian Material Assistance group that had held 15 undocumented people at gunpoint in Arizona on July 5, 1986.

The CMA claimed that it was doing the job of the INS.

Immigrant rights advocates in Arizona have led a protest against this light sentencing of Hagan. Bill Tamayo, chair of the National Network Board, sent a message to the protest in Tucson. The message, said, in part, "Light sentences serve as no deterrent to this heinous crime, and in fact, Hagan was allowed to walk, even though he endangered the lives of 15 persons, simply because he expressed the politics of a growing dangerous movement of restrictionists — a movement spearheaded by the Reagan administration. Hagan and his like have basically been given the 'green light' to intimidate individuals with their guns providing they justify it with calls to 'curb immigration'".

AIDS Testing of Immigrants Begins Dec. 1

The Reagan administration has announced that effective Dec. 1, all persons seeking immigrant visas to the U.S. and all applicants for the legalization program must undergo tests for the AIDS virus.

AIDS was already added to the list of contagious diseases used as a basis for exclusion of immigrants in July, and projections of AIDS testing requirements had been in the air for some time.

There are no figures available of those immigrants seeking visas who have been denied entry since July because of positive test results.

According to the new guidelines, legalization applicants applying on or after Dec. 1 must show proof of the AIDS test. While it is assumed that those otherwise qualified applicants testing positive for the AIDS virus

will be denied legalization, it is not clear what will then happen to them. The information is supposed to be confidential and cannot be used to deport them.

According to an article in *The Nation's Health*, the monthly newspaper of the American Public Health Association, while immigrant visa applicants who test positive may be excluded from entering the U.S., undocumented legalization applicants who fail the test could appeal deportation action and fight it until they died of AIDS or an AIDS-related disease if it developed.

Immigrant and refugee rights groups, civil liberties organizations, and AIDS victims' rights groups are currently discussing ways of intervening against this new round of assault on civil liberties and on the particular rights of immigrants.

AIDS Hysteria — Immigrant Hysteria

The following commentary is reprinted from the CDIRR Newsletter, a monthly publication of the Committee to Defend Immigrant and Refugee Rights, of the San Francisco Bay Area.

*By Winston F. Wong, M.D.
Asian Health Services*

Under the guise of public health interest, the Reagan administration has announced its intention to screen all immigrants for the AIDS (HTLVIII) virus. AIDS hysteria and homophobia have crossed paths with anti-immigrant sentiment creating an ugly challenge to both the immigrant rights movement and AID organizers.

Ostensibly, the Reagan administration claims that it needs to screen visa applicants and immigrants applying for legalization, to limit the further spread of AIDS. Officials also freely admit that they "don't want America to become a haven for foreign AIDS patients," wary of the "economic burden" new AIDS patients may place on the U.S.

There is little medical evidence that supports the government's proposals. Since there is no cure or vaccine against AIDS, mandatory screening of any group has little value in combatting the individuals from seeking care or education about the disease for fear of being stigmatized ostracized or quarantined. At this time, the fight against AIDS

would be best advanced by massive public education efforts and funneling badly needed funds towards AIDS research.

True to Reagan's anti-immigrant policies, the proposal implies that a foreign menace is the source of both the health and economic woes of the U.S.

Scapegoating immigrants — especially gay immigrants — effectively absolves the government of responsibility in seeking a cure to AIDS.

What the proposal will do is further force immigrants underground and discourage utilization of their rightful privileges. Despite assurances that the results of HTLVIII testing will be confidential, positive results could certainly be the justifying means to deport or deny entry to thousands of immigrants. Immigrants and undocumented workers who fall seriously ill will avoid medical care fearful that a positive AIDS test will mean further stigmatization, isolation and a quick deportation.

The AIDS virus is a biological entity that has no prejudice; although high risk groups include intravenous drug users and homosexual men with multiple partners, the virus is a health threat to all people. An appropriate public health response requires a societal commitment to determine the nature of the virus, and prevention of its transmission. Pinpointing groups for mandatory testing is not only short-sighted and medically unsound, it is an affront to the democratic rights of all people.

Temporary Foreign Workers Being Readied for U.S.

Temporary workers are already being projected to enter the U.S. labor market, with new pronouncements recently made out of Los Angeles and out of New York.

The **New York Times** reported Sept. 25 that thousands of poor peasants from China are being contracted to await placement as temporary workers in the U.S. as soon as the labor need is certified. A private firm in New York, the Chinese Agricultural Manpower Center, says it has a contract with the Chinese government to set up the program. The firm is claiming that the Chinese workers will make good farmworkers because they will be professionals.

The story was met with an immediate response by legal and immigrant rights groups in New York and in California, who denounced the scheme as reminiscent of the contracting of Chinese labor in the late 1800's.

In the meantime garment industry representatives in Los Angeles had announced that they also were seeking temporary workers.

The International Ladies Garment Workers Union staged a protest Sept. 30 against the Garment Contractors Association. The Association met with staff of the Philippine Consulate in Los Angeles to negotiate to bring temporary Filipino workers to the U.S. to work in the garment industry.

According to garment industry representatives, the work force is down 40% due to the restrictions on the new immigration law. The industry, weighing cost factors, claims it is less expensive for them to import foreign, temporary workers than to risk hiring undocumented and pay employer sanctions penalties if caught. The industry, worth about \$6 billion in L.A., has been heavily reliant on immigrant, especially undocumented, labor.

One particular company recently won approval from the Department of Labor to import temporary workers by verifying that there was not sufficient labor here. (Wages in the industry are usually about \$3.35 an

hour.) Other garment companies are now also seeking approval for temporary workers, a move which the IL-GWU has said will usher in a process paralleling the old bracero program.

Ironically, the press has also noted that there is a surplus of migrant, including undocumented laborers, in the Northwest, where workers had made the long journey seeking jobs in the orchards after employers publicized their fears that there would not be enough workers for the summer's harvest. The surplus of unemployed workers and their families has created a crisis of survival, with thousands sleeping in makeshift huts, tents, and cars.

Publications of Interest

Readers of this newsletter may also be interested in the following publications:

1. *Winds of Change: An Immigration Lawyer's Perspective of Fifty Years.* By Ira Gollobin, a civil rights attorney in New York and who was active in the building of the American Committee for the Protection of the Foreign Born. Write to the Center for Immigrant Rights, 48 St. Marks Place, New York, N.Y. 10003. Price \$1.00.
2. *Call for Justice.* Newsletter of the Committee for Justice to Stop the McCarran Act Deportations. Write to the Committee at P.O. Box 4631, Los Angeles, CA 90051. Donations accepted.
3. *Counterinsurgency in El Salvador and International Law: A Case Study.* By Beatrice Edwards, Ph.D., published by the Education and Information Project of the Central American Refugee Center. Case study of low intensity warfare and implications for civil and human rights in El Salvador. Write to CARECEN, 3112 Mt. Pleasant St., N.W., Washington, D.C. 20010. Donation requested.
4. *Directory of Nonprofit Agencies That Assist Persons in Immigration Matters.* Published by the National Center for Immigrants' Rights. 3rd Edition published May, 1987. Call (213) 487-2531 for information.

Please clip and mail to: NNIRR: 310 - 8th St., Suite 307; Oakland, CA 94607

- I am interested in receiving the National Network newsletter and other information.
- I am interested in knowing more about the National Network.
Please send more information on its activities and membership.
- I have enclosed a donation of \$_____ to help cover mailing costs.

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ORGANIZATION (If any) _____

IRCA Protest

continued from front page

and because they cannot afford lawyer and processing fees.

Not helping matters any are stories such as those from Arizona that undocumented leaving QDE's had been followed and detained for questioning by Border Patrol agents.

In a number of regions, the issue of family reunification has received a great deal of attention and support. The breaking up of families due to the narrow and unfair restrictions on legalization has been a major concern, prompting Congressman Ed Roybal (D-Ca) to introduce two bills in Congress (HR 1812 and 1813) to expand the legalization program to include immediate family members of qualified legalization applicants. As of this writing, however, Congress has failed to act on the bills.

All of the anticipated problems with the implementation of employer sanctions are slowly but surely coming to pass. Even before Sept. 1, when undocumented had to show work authorization credentials, the effects of employer sanctions were clearly evident. There have been numerous accounts of workplace raids, firings of immigrant workers, and employer refusal to hire Latino workers. The threat of employer sanctions has been enough to create sanctions against workers.

**National Network for Immigrant
and Refugee Rights**
310 - 8th St., Suite 307
Oakland, CA 94607

National Board Meeting

continued from page 3

Patricia Sanchez, Proyecto Hospitalidad, San Antonio
Aurora Camacho de Schmidt, Philadelphia
Salvador Ibarra, Proyecto Adelante, Dallas
Jonathan Moore, Proyecto Libertad, Harlingen
Lourdes Santiago and **Monica Aguilar**, New Jersey
Coalition for Immigrant and Refugee Rights,
Jersey City
Primitivo Rodriguez, AFSC, Philadelphia
Howard Jordan, N.Y. State Assembly Task Force on
New Americans, N.Y.
Agustin Lao, Northern Manhattan Coalition for Im-
migrants' Rights, N.Y.
Emily Goldfarb, Coalition for Immigrant and Refugee
Rights and Services, San Francisco
Isabel Garcia Gallegos and **Lupe Castillo**, Arizona
Coalition for Immigrant and Refugee Rights,
Tucson
Carlos Arango, Midwest Coalition in Defense of Im-
migrants, Chicago
Francisco Garcia-Rodriguez, Committee to Defend
Immigrant and Refugee Rights, MALDEF, San
Francisco
Bill Tamayo, Asian Law Caucus, Oakland
Cathi Tactaquin, National Network staff, Oakland

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Rose Gesser.

Oct-13-1987

On Sunday Aug 16 - 1987 two police men
came and knocked on my door to inform
me that they were evacuating, because
of an explosion, and told me that I
had to leave my home, because I might
die if I inhale the fumes, I told them
that my daughter ~~lives~~ lives in Morgan
Tower, they said when you get ready
call 911 and they will take you there.
I got ready and I called 911 - ~~no one~~
came, I called ~~911~~ to inform them
that I ^{was} waiting I gave my address again
1420 McKinley ave. ~~She~~ she said they will
be there in 2 seconds, I stayed on ~~to~~
my couch till morning and no one came
no one came to check on me either.

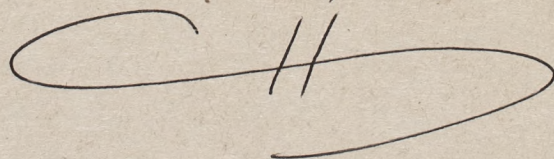
Rose Gesser

Edwin Bullock

on Sunday Aug 16 1987 during
the evacuation, I ~~was~~ around 9:30 PM
I was on my way to work, later I notice
the smoke, I returned to my home where
I live with my grandmother Rose. Gurner.
I inform the police man that my grandmother
was, an invalid and was alone alone
in her home. I wanted to go and see
if she was alright, they refuse to let
me in.

Edwin
Bullock

Oct 13, 1987



NATIONAL CENTER FOR IMMIGRANTS' RIGHTS, Inc.

256 S. OCCIDENTAL BOULEVARD
LOS ANGELES, CALIFORNIA 90057
(213) 388-8693/388-8091

M E M O R A N D U M

From: Carlos Holguin, Peter A. Schey.
To: Immigrant and refugee children's advocates.
Re: Proposed rule on minors' release on bond.
Date: November 6, 1987.

On October 15, 1987, the Immigration and Naturalization Service ("INS") proposed regulations on the release of minors arrested for deportation and exclusion proceedings. 52 Fed.Reg. 38245 (See attached.) INS juvenile release policies are currently the subject of the class action lawsuit, Flores, et al., v. Meese, et al., No. CV 85-4544-RJK (C.D. Cal.).

Although the proposed regulations would improve upon current policies, they would continue to restrict the release of juveniles so as to facilitate the arrest of their parents. We urge individuals and organizations to submit comments opposing these offensive provisions. Your comments must be received in triplicate by November 16, 1987. We suggest you include the following points as appropriate:

-- The proposed regulation will unnecessarily preclude juveniles' release to clearly reputable adults.

National standards developed by juvenile justice and child welfare experts unanimously urge that minors be released promptly following arrest. Federal juvenile law is in accord, providing that minors detained by federal juvenile authorities be released to parents, guardians, custodians, or other responsible parties including, but not limited to, directors of shelter-care facilities. 18 U.S.C. 5034.

There is no reason why juveniles detained by the INS should be treated differently from those arrested by other agencies of the federal government. If anything, INS detainees should be more readily released since they are held solely for having violated civil deportation laws.

The proposed rule authorizes juveniles' release to nonrelative adults only in "unusual and compelling circumstances and in the discretion of the district director or chief patrol agent..." The rule fails to lend any guidance as to what circumstances are "unusual and compelling."

The INS should release minors to nonrelative adults who prove they will care for the minors and ensure their presence at administrative proceedings. This is a far more workable and

humane standard than requiring proof of vague and undefined "unusual and compelling circumstances."

-- The proposed regulation grants INS officers broad discretion to continue to use detained minors as "bait."

The proposed rule permits juveniles' release to detained adult relatives and guardians "on a discretionary case-by-case basis." The rule nowhere limits this discretion.

Restrictions on juveniles' release are warranted solely in order to protect their well-being or to ensure their presence at future administrative proceedings. The final rule should so specify; failure to do so will permit local officers to exercise their discretion to deny release to facilitate the arrest of detained minors' parents.

-- Parents within the United States will be precluded from designating other adults to whom their detained children may be released.

The proposed rule permits parents to direct that their detained children be released to other adults only if the parent is "in INS detention or outside the United States."

The INS often arrests and detains minors far from their parents' place of residence within the United States. Requiring a low-income parent to travel from New York to Los Angeles to take physical custody of his or her detained teenager would impose needless hardships. Parents should be permitted to designate a local adult as an interim sponsor.

Restricting parent-designated releases to parents in INS custody or outside the United States sanctions detaining minors solely to facilitate the arrest of parents who may be unlawfully within the United States.

-- The proposed rule permits INS officers to house juveniles in substandard facilities.

The proposed rule vests INS officers with unfettered discretion to determine where detained minors will be housed.

On April 29, 1987, the INS published a notice of funding programs setting forth minimum requirements for contract facilities in which juveniles are housed. 52 Fed.Reg. 15569. The INS should place all detained minors not released within 72 hours of arrest in facilities that meet these requirements.

NCIR, Inc., would appreciate receiving copies of your comments.

STATEMENT
COMMISSIONER ALAN C. NELSON
IMMIGRATION REFORM AND CONTROL ACT UPDATE

Thursday, October 8, 1987

This briefing is a further update on the implementation of the Immigration Reform and Control Act of 1986. We've had six national press Conferences since the enactment of this law almost a year ago. The conclusion of fiscal year 1987 presents a good opportunity to review the impact of this historic legislation.

As an overview, there are five major topics I will address today:

- o the FY'87 Border Apprehensions show a 30 per cent drop over the previous record high year;
- o our enforcement strategy is taking full effect with the first 100 citations issued and the first employer sanctions notices of fines served last week;
- o the legalization program continues to function well, with over 800,000 applications received to date;

o we are announcing a modification in INS legalization regulations affecting eligibility of persons who re-entered the country with a legal visa to resume an illegal residence:

o the SAVE program, an important tool for controlling illegal immigration, moves forward with new States participating and the program officially available to all States on October 1, 1987.

Let me now address the specifics of these items:

Apprehensions decline

In the fiscal year ended September 30 apprehensions of illegal aliens totaled 1.1 million, a decline of 30 per cent from the preceding year. We attribute the decrease to the fact that fewer people attempted illegal entry because they believed they could not find employment due to the employer sanctions provision of the Immigration Reform and Control Act.

Apprehensions in September declined more than 42 per cent from September 1986, probably because of heavy publicity in the U.S. and Mexico concerning employer sanctions.

It is significant that apprehensions on the Southern border have been considerably below the comparable month last year in every month since the bill was signed last November. This includes the summer months when there was a surge of illegal crossings due to growers' complaints of severe labor shortages----since proved to be unfounded. This overall significant decline is a certain indicator that the law is beginning to work, as it was intended....to discourage illegal immigration by turning off the magnet of jobs that attracts people to this country. We will continue to closely monitor and evaluate the border apprehension figures.

Drug interdictions

In addition to enforcement and administration of immigration laws, INS has been called upon, and has been successful in the war against illicit drugs entering the United States.

The INS Border Patrol has seized 45 per cent of the cocaine and 60 per cent of the marijuana interdicted between ports of entry on our nation's Southern land border, according to National Drug Policy Board statistics.

Total narcotics seizures in the first 11 months of the last fiscal year totaled 2,553, valued at nearly \$500 million. This compares with 1,300 seizures valued at \$186 million for all of the preceding fiscal

year. Cocaine seizures totaled more than 10,000 pounds (over five tons) valued at \$328 million for the 11 months, compared with about 2,500 pounds valued at \$99.5 million in the preceding full fiscal year.

Enforcement efforts

While we have concentrated efforts on gaining voluntary compliance through some 250,000 information visits to employers, we have also shown that we will not tolerate deliberate violations of the law. To review the enforcement strategy, we are pursuing a balance of employer information visits, which have been productive and well received by U.S. employers, with investigations into violations. The attitude of employers we have contacted has been positive. We have signed cooperative agreements with major employers, including Hyatt Hotels and McDonalds. Most others have indicated a willingness to comply with the law. Those who do not will pay the price for non-compliance.

In the near future we will add another element -- random audits to verify compliance. As a general policy an employer will not be fined until they have received the information visit and a warning. In this manner, all employers have a solid basis to avoid hiring illegals.

As of October 7, 1987, we have issued more than 100 citations (warning notices) to employers who have continued to employ illegal aliens even after a visit from INS officers to explain the law and provide them with printed instructions and the forms necessary for compliance.

Last week in Arlington, Va., and San Diego, Ca., we issued the first notices of intention to fine. The Arlington case was against the Quality Inn on Courthouse Road and followed an information meeting with management and later issuance of a citation. The proposed fine is \$16,500. The employer has 30 days in which to request a hearing before an administrative law judge. The San Diego case involved a waterbed frame maker located in El Cajon, California. The fine in this case was set at \$6,000.

Legalization

On another major aspect of the immigration reform law....legalization....we are very pleased with the excellent results. On October 5, just five months after the legalization processing began, we passed 800,000 applicants. This puts us firmly on target for the two million that we projected before the sign-up period began.

Nearly 85 per cent of these applications continue to come directly to INS, rather than through the Qualified Designated Entities (QDEs). This clearly indicates the so-called fear factor that some claimed to be a barrier to applicants, did not in fact exist.

Legalization applications are especially heavy in the INS Western and Southern regions, where no doubt the greatest number of illegals reside.

In the Northern and Eastern regions the application pace is slower. We have taken some steps, particularly in New York City, to stimulate a greater flow of applications. These include the use of mobile vans as processing centers to go directly to the neighborhoods where illegals reside. It also includes stepped up advertising, including bus posters and participation with the city in a long established "hot line" information system.

Similar actions are being taken or planned in other cities where we believe there is a potential for more applications.

It is also up to the MFEs and interest groups to take some actions to gain greater participation. We look forward to additional cooperative efforts from these groups.

Regulation change

Today INS is announcing a rule change that may benefit thousands of persons who previously appeared ineligible for legalization. The new regulation will affect persons who were residing illegally in the United States, left the country, then fraudulently used documents obtained at overseas consulates to re-enter the U.S. to resume their illegal residence.

We have reviewed many public comments generated by this issue, and have determined that the law may allow legalization of such persons using documents to return here to an illegal status.

The new ruling acknowledges that these people, in many cases, were returning to an unlawful, unrelinquished residence, and should not be excluded from the program.

Because the re-entry was accomplished through a fraudulent act, applicants will have to request a waiver to be granted legal status. There is a \$35 fee for filing such a waiver. INS remains committed to its policy of flexibility throughout the life of the program. Legalization benefits will be extended to all who qualify, consistent with the aims of Congress. However, the burden of proof will be on the applicants to make their case.

There are many applications currently being held by INS that will be affected by this rule change. As examples, one involves a Mexican family in Los Angeles who have been in the United States since 1977. The wife returned to Mexico for a family emergency and obtained a visitor's visa to re-enter the U.S. after January 1, 1982.

Another involves a young man from Africa who came to this country in 1973, as a student, then remained here and worked illegally after completing his studies. The company he worked for sent him out of the country on business, and he obtained a visitor's visa to return to the United States.

In addition to benefitting persons who have already applied to INS for legalization, this policy change could also result in a considerable number of additional applications from persons who have not come forward previously. This could be especially beneficial to persons from Europe, Asia, Africa and other far away countries who may have overstayed an initial visa then left the country for an emergency and acquired another visa to return.

SAVE program

Last Thursday, on October 1, another provision of Immigration Reform became effective. INS completed its obligation to have in place an improved system for verifying alien status for agencies dispensing entitlement benefits. Under the SAVE provision of IRCA, beginning October 1, 1988, agencies will be required to verify the status before approving such applications. Until then the verification is optional.

SAVE stands for Systematic Alien Verification for Entitlements. It is an automated system which allows instant verification of an alien's immigration status, and can be used to prevent unentitled aliens from receiving federally subsidized benefits.

It is estimated that nearly \$3 billion in benefits are granted to aliens each year who are not entitled to receive them because they are not legal permanent residents.

This system has been in place on a voluntary basis, and some 17 states and territories have been participating. Earlier this week I signed an agreement with the Governor of Mississippi for their participation. Other states and territories that have signed formal SAVE agreements are Colorado, Florida, Guam, Idaho, Illinois, Indiana, Montana, Puerto Rico, Virgin Islands, Hawaii, New Mexico, and Texas. In addition, pilot programs are operating in California, Missouri, New York, Virginia, and Washington, D.C.

Besides saving money, the denial of entitlements to illegal aliens is another deterrent to unlawful entry to this country. SAVE is also welfare reform and good government -- benefits should only be paid to those entitled to them.

LAW program

Before concluding, I would like to mention another INS initiative called the LAW program. The acronym stands for Legally Authorized Workers, and it is a cooperative venture administered by the INS Employer/Labor Relations division to help replace illegal alien employees with legal workers.

It is designed to help break a national dependency in two areas: a dependency by some employers on illegal labor and a welfare dependency by some American citizens and families.

INS is working with local agencies and organizations to replace illegal labor with citizens or legal aliens. Through approaches to business, community and ethnic leadership we are seeking their commitment for a coordinated effort to place legal workers on the jobs that are vacated by illegal workers.

Conclusion

It has been almost a year....just one month short....since the Immigration Reform and Control Act of 1986 was signed into law. In every aspect, it has been a success....legalization, employer sanctions, and Special Agricultural Workers.

I am very proud of the job we have done in implementing the Immigration Reform and Control Act. Although there are critics who continue to harp, these are primarily people and organizations who opposed the law and still do not like it.

The nation's employers are finding it is a law they can live with. The paperwork is not proving to be the burden that some claimed. As illegal aliens fail to find work, more and more jobs will continue to become available to the unemployed.

At the same time, the Administration and the Congress have provided a generous, one-time opportunity for several million persons who have been here in an illegal status, living in a shadow world. They are gratefully

coming out of the shadows in large numbers. Already the number of people legalized through this program is almost double the total number who participated in similar programs in all of the other countries who have initiated them. Those numbers alone speak for the success of this effort.

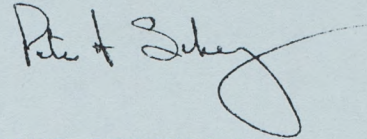
NATIONAL CENTER FOR IMMIGRANTS' RIGHTS, Inc.

256 S. OCCIDENTAL BOULEVARD
LOS ANGELES, CALIFORNIA 90057
(213) 388-8693

MEMORANDUM

TO: LEGALIZATION SUPPORT NETWORK

FM: PETER A. SCHEY, DIRECTOR, NCIR, INC.



- RE: (1) UPDATE ON LULAC V. INS (NON-IMMIGRANT REENTRANTS)
(2) UPDATE ON CSS V. MEESE (POST-MAY 1, 1987, 245A EWI REENTRIES; POST-JUNE 26, 1987, SAW EWI REENTRIES; IMPROPER EXPULSIONS OF LEGALIZATION-ELIGIBLE ALIENS)
(3) INS EFFORT TO DETAIN ALL PERSONS RELEASED ON BOND AND LATER FOUND EMPLOYED WITHOUT WORK AUTHORIZATION
(4) UPDATE ON VARGAS V. MEESE: SAW REENTRY CUTOFF DATE REJECTED FOR H-2 WORKERS
(5) DEVELOPMENTS IN THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE) PROGRAM
(6) LAWSUIT IN PREPARATION ON THE "KNOWN TO THE GOVERNMENT" ISSUE

DT: NOVEMBER 9, 1987

This memorandum discusses various developments in the legalization program, and describes certain categories of applicants who will face problems having their legalization applications approved. If you have clients who fall into these categories, you may contact me for assistance.

(1) UPDATE ON LULAC V. INS (NON-IMMIGRANT REENTRANTS)

This lawsuit challenges a policy of the INS which denied legalization to otherwise qualified individuals who established illegal residence in the United States prior to January 1, 1982, but used a nonimmigrant visa to reenter this country after January 1, 1982. On October 8, 1987, a few days before a court hearing in this case, INS Commissioner Alan C. Nelson announced a modification of this policy wherein people who used a nonimmigrant to return to an unlawful, unrelinquished residence in the United States after January 1, 1982, will qualify for legalization. See enclosure. However, Commissioner Nelson's statement provides that these individuals committed immigration fraud by using the nonimmigrant visa to effect entry and therefore will be required to apply for a waiver of excludability. See Statement of Commissioner Alan C. Nelson at 6-7,

INS now claims that this lawsuit is moot. We have filed a brief with the court arguing that there are at least two reasons why INS's change of policy has not rendered the lawsuit moot. First, INS's modified policy is still not in accord with IRCA, inasmuch as it still requires at least some members of the plaintiff class to apply for waivers. Second, the lawsuit is not moot because a question remains as to an appropriate remedy. These issues are summarized below.

(i) INS's Modified Policy is Still Not in Accord with IRCA

INS's modified policy with respect to post-1982 reentries with nonimmigrant visas requires that applicants file a waiver request with their legalization application. This policy is based on the theory that the individual committed immigration fraud under section 212(a)(19) of the Immigration and Nationality Act, 8 U.S.C. section 1182(a)(19) by reentering with a nonimmigrant visa with the intent to remain permanently.

We acknowledge that an applicant could properly be required to file a waiver request if he had a preconceived intent to remain in the United States permanently at the time he obtained the visa or otherwise fraudulently obtained the visa. However, an applicant does not need to apply for a waiver if he acted in good faith at the time he obtained the visa but later reentered the United States with that visa with a preconceived intent to remain permanently.

Section 212(a)(19) of the INA, 8 U.S.C. section 1182(a)(19) (1952), made the following group excludable from the United States:

Any alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation, or seeks to enter the United States, by fraud, or by willfully misrepresenting a material fact.

The Board of Immigration Appeals has interpreted this section not to permanently exclude aliens who gained entry to the United States through fraud or misrepresentation but did not procure a visa fraudulently. See Matter of M., 6 I&N Dec. 752 (BIA 1955). The Board reasoned that the first clause of section 212(a)(19) (procurement of a visa by fraud or misrepresentation) uses both the past and present tenses while the second clause (entry by fraud or misrepresentation) only uses the present tense. Id. at 753-54. The Board held that an alien who attempts to enter by fraud or misrepresentation is only excludable from the United States at the time of the reentry in which he seeks to enter fraudulently.

Clearly, therefore, an amnesty applicant is not excludable and need not apply for a waiver if he obtained his visa in good faith--i.e., he intended to depart the United States upon the expiration of his authorized stay-- but later reentered the United States with that visa with a preconceived intent to remain permanently. Only the subsequent reentry would have been accomplished through misrepresentation, which is not a grounds for denial of future entries or applications.

In 1986, shortly after the passage of the Immigration Reform and Control Act, Congress also passed the Marriage Fraud Amendments of 1986. Although this statute was primarily designed to prevent individuals from entering into marriages solely for the purposes of obtaining permanent resident status in the United States, it also amended section 212(a)(19) of the Immigration and Nationality Act. This section now makes excludable

Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure, or has sought to procure or has procured, a visa, other documentation, or entry into the United States or other benefit provided under this Act.

INA 212(a)(19), 8 U.S.C. section 1182(a)(19) (Supp. 1987).

However, by its own terms, Congress made this amendment only applicable "to the receipt of visas by, and the admission of, aliens occurring after the date of the enactment of this Act based on fraud or misrepresentations occurring before, on, or after such date." See section 6(b) of the Marriage Fraud Amendments of 1986 (emphasis added).

Thus, although section 212(a)(19) now applies to past fraudulent entries, its effect is only retroactive for fraudulent entries when one applies for a "visa . . . and . . . admission" to the United States. Even though Congress had passed IRCA shortly before the Marriage Fraud Amendments and was therefore well aware of the legalization program, the amended version of section 212(a)(19) does not apply retroactively to legalization applicants; by its terms its retroactivity only applies to an alien who, after the date of the amendment, seek a "visa . . . and . . . admission" to the United States. Legalization applicants are clearly seeking neither a "visa" nor "admission" to the United States. They are already in the United States and are seeking the benefits of "legalization"!

If Congress had intended the amendment to section 212(a)(19) to apply retroactively to anything other than the receipt of visas or admissions to the United States it could have easily inserted language stating that the

amendment would retroactively preclude eligibility for legalization. It did not do this.

(ii) The Lawsuit is Not Moot Because INS's Modified Policy has Not Solved the Problems Caused by their Challenged Policy.

(a) The Court Should Extend the Application Period for Non-Immigrant Reentrants

Even if INS has modified its policy, a lawsuit cannot be considered moot unless the effects of the challenged practices have been "completely and irrevocably eradicated." County of Los Angeles v. Davis, 440 U.S. at 631, 99 S. Ct. at 1383; Pomerantz v. County of Los Angeles, 674 F.2d 1288 (9th Cir. 1982). In this case, there are at least two unremedied adverse effects which were caused by the challenged policy.

First, INS did not change their policy until October 8, 1987, more than five months after the start of the twelve-month application period. Qualified individuals were only provided 12 months within which to apply for legalization. See section 245A(a)(1)(A). Thus, defendants' policy effectively deprived the members of the plaintiff class of almost one half of the application period. We believe that this continuing adverse consequence of the challenged policy can be remedied by a court order extending the application period for plaintiffs and class members for six months.

The Immigration Reform and Control Act of 1986 was enacted as a comprehensive scheme for dealing with this country's illegal immigration problem. Congress viewed the success of the amnesty program as an integral aspect of the success of the entire program. By legalizing the status of aliens who have been present in the United States for several years, INS would be able to target its enforcement efforts on new arrivals. Thus, Congress concluded that "a generous program is an essential part of any immigration reform legislation." See House Judiciary Committee Report, H.R. Rep. No. 99-682, Part 1, 99th Cong., 2d Sess. 49 (1986).

INS's challenged policy, which has deprived plaintiffs and class members of the ability to establish eligibility for almost half of the application period, is clearly not "generous" and it detracts from the legislative intent that the legalization be a "one-time" program to bring out from the underground "aliens who have been present in the United States for several years . . ."

Congress was well-aware of the low turn out rate in other countries' amnesty programs and took appropriate steps to counteract their causes. See House Judiciary Committee Report, H.R. Rep. No. 99-682 Part 1, 99th Cong., 2d Sess. 73 (1986), 1986 U.S. Code, Cong. & Admin. News at 5677. Thus, the fact that Congress provided for a full 12 months to file for legalization must be viewed as important to the overall success of the program. The effect of the INS's challenged policy, however, has been to deprive members of the proposed class of almost half the statutory time period. Plaintiffs propose that the Court remedy this problem by ordering an extension of the amnesty program for members of the proposed class. Cases which establish the power of the court to extend the deadline include In re Naturalization of 68 Filipino War Veterans, 406 F. Supp. 931 (N.D. Cal. 1975); Tejeda v. INS, 346 F.2d 389 (9th Cir. 1965); In re LaVoie, 349 F. Supp. 68 (D.V.I. 1972).

We have obtained a large number of declarations from community and church leaders stating that unless the application period is extended, many aliens, eligible for legalization but who reentered using non-immigrant visas, will not have the opportunity to apply.

- (b) The INS should be ordered to conduct public outreach concerning its October 8, 1987, change in policy.

We have also asked the court to order INS to do outreach on its recent change in policy regarding non-immigrant reentries.

In passing the Immigration Reform and Control Act of 1987 Congress recognized that extensive public education was necessary for a successful legalization program. For example, the Judiciary Committee of the House of Representatives stated:

The Committee has learned that legalization programs in other countries have usually produced a low rate of participation among the eligible candidates. At least part of the reason is distrust of authority and lack of understanding among the undocumented population.

See Report of the House of Representatives Committee on the Judiciary, at 73, H.R. Rep. No. 99-682 (Part I), 99th Cong., 2d Sess. (1986). Similarly, in the floor debates Congressman Martinez of California pointed out that many people would not benefit from the law due to insufficient information.

Undocumented aliens in the barrio and in on the farms are not the best informed people. To notify millions of illegal immigrants about this law, and convince them

that it is safe for them to apply, is going to take a lot longer than 18 months.

132 Congressional Record H10594 (October 15, 1986).

Therefore, in specific recognition of this problem, Congress included section 201(i) in the bill. See Report of the House of Representatives Committee on the Judiciary, at 73, H.R. Rep. No. 99-682 (Part I), 99th Cong., 2d Sess. (1986). Section 201(i) of IRCA provides that "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." Id. (emphasis added).

The declarations which we have filed with the court reveal that large numbers of individuals affected by INS's challenged policy are unaware that they now may qualify for legalization. These community organizations, directly involved in the legalization program, attest that a massive public education campaign must be undertaken if members of the proposed class are to be informed that they are now eligible for legalization. In addition to ordering a six month extension of the filing deadline for class members, plaintiffs have therefore also requested that the Court order INS to conduct an extensive public education campaign regarding its recent change of policy in order to remedy this problem. The cases relied upon by the plaintiffs in support of the court's authority to order INS to conduct the proposed publicity campaign include Bennett v. Butz, 386 F.Supp. 1059 (D. Minn. 1974), and Tyson v. Norton, 390 F. Supp. 545 (D. Conn. 1975).

We have proposed that the publicity campaign should include the cooperation of federal agencies, Qualified Designated Agencies, community, social and immigrants' rights organizations; employment of an outreach coordinator and local outreach officers; the implementation of a mass media campaign in Spanish, Japanese, Chinese, Filipino and other language newspapers, radio and television stations; the feasibility of a toll-free information number; canvassing in high-density immigrant neighborhoods and industries that employ high numbers of immigrants; and placing leaflets and posters describing the October 8, 1987, change in policy in prominent locations at INS legalization and district offices.

If you are aware of any cases in which INS, before their recent change in policy, discouraged clients, individuals, QDEs or other non-profits, from filing legalization applications for aliens who reentered the U.S. after January 1, 1982 with non-immigrant visas, please let me know of such incidents.

(2) UPDATE ON CSS V. MEESE (POST-MAY 1, 1987,
245A EWI REENTRIES; POST-JUNE 26, 1987,
SAW EWI REENTRIES; IMPROPER EXPULSIONS OF
LEGALIZATION-ELIGIBLE ALIENS)

On November 6, 1987, we filed a Fifth Amended Complaint for injunctive and declaratory relief in CSS v. Meese, a nationwide class action case. We have also filed a motion for summary judgment which will be heard by the court on December 17, 1987. Our Fifth Amended Complaint challenges the following policies and practices of INS:

- (i) the post-November 5, 1986, expulsion of 245A-eligible aliens, and the expulsion and exclusion of 210-eligible aliens, and denial of the right to apply for legalization in the United States, solely based upon absences from the United States, or reentries without inspection, on and after November 6, 1986;
- (ii) INS's final regulations, and continuing policy and practice, of deeming ineligible for legalization under Section 245A aliens who were outside the United States on May 1, 1987, or who thereafter departed and returned to the United States without inspection;
- (iii) INS's final regulations, and continuing policy and practice, of refusing to approve legalization applications under Section 210 in the United States for SAW-eligible aliens who were outside the United States on June 26, 1987, or who thereafter departed and returned to the United States without inspection;
- (iv) INS's failure to provide accurate notice to certain aliens, eligible for legalization, regarding their legalization rights, and the expulsion of aliens provided inaccurate information from the INS regarding their rights under IRCA; and
- (v) the INS's failure to issue and publish under the Administrative Procedure Act "legalization telegrams," "wires" and other substantive national policies which contain substantive rules of agency standards implementing IRCA.

Organizational plaintiffs in the lawsuit include CATHOLIC SOCIAL SERVICES, INC. (CENTRO DE GUADALUPE IMMIGRATION CENTER), the NATIONAL CENTER FOR IMMIGRANTS' RIGHTS, INC., ("NCIR, INC"), the UNITED CALIFORNIA MEXICAN-AMERICAN ASSOCIATION ("UCMAA"), the AMERICAN FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS (hereinafter "AFL-CIO"), the UNITED FARM WORKERS OF AMERICA (AFL-CIO) (UFW), and LA COMUNIDAD DE SAN JUAN. Individual plaintiffs include persons

(i) persons eligible for legalization under Section 245A but for reentries into the United States without inspection on or after November 6, 1986, including persons who reentered without inspection on or after May 1, 1987;

(ii) persons eligible for legalization as SAWs but for reentries into the United States without inspection on or after November 6, 1986, including persons who reentered without inspection on or after June 26, 1987; and

(iii) persons who qualify for legalization and who have been detained by the INS and improperly removed or excluded from the country.

The four legal "Claims" raised in the Fifth Amended Complaint are that:

(i) INS's blanket policy and practice of deeming ineligible for legalization under Section 245A, and expelling, otherwise qualified aliens solely on the basis of reentries without inspection after November 6, 1986, violates plaintiffs' and their class members' rights under Section 245A, and the due process and equal protection guarantees of the Fifth Amendment of the United States Constitution.

(ii) INS's blanket policy and practice of deeming ineligible for legalization in the United States under Section 210, and expelling or excluding, otherwise qualified aliens solely on the basis of reentries without inspection after November 6, 1986, violates plaintiffs' and their class members' rights under Section 210, and the due process and equal protection guarantees of the Fifth Amendment of the United States Constitution.

(iii) INS's policy and practice of failing to accurately advise apprehended or detained aliens of their rights to legalization under IRCA, and defendants' improper expulsions of such persons eligible for legalization under IRCA, violates plaintiffs' and their class members' rights under Sections 210 and 245A, and the due process and equal protection guarantees of the Fifth Amendment of the United States Constitution.

(iv) INS's November 14, 1986, and subsequent national IRCA instructions, were not published in the Federal Register although such instructions, including INS Legalization Telexs 1 through 30, constitute substantive rules of general applicability, statements of general policy, and interpretations of general applicability within the meaning of 5 U.S.C. Section 552(a)(1)(D). We allege that such failure to so publish violates 5 U.S.C. Section 552(a)(1)(D) and renders the instructions void. The failure

to solicit and consider public comment regarding such instructions violates 5 U.S.C. Section 553(b)-(c).

We are asking the federal court to:

- (i) Issue declaratory judgment that the INS's challenged policies and practices are in violation of the terms of the INA as amended by IRCA and the Due Process Clause of the Fifth Amendment;
- (ii) Issue a permanent injunction enjoining further implementation of INS's challenged policies and practices as described above; and further enjoining the INS from denying admission to, excluding, or expelling plaintiffs and class members wrongfully expelled or excluded, or, if such aliens already have returned to the United States, requiring that the INS disregard their expulsions or exclusions and subsequent returns in adjudicating their legalization applications; and further requiring the INS to publicize that plaintiffs and class members wrongfully excluded or expelled may return to the United States to apply for legalization;
- (iii) Issue an order requiring that INS publish many of its "Legalization Telexes" in the Federal Register under the Administrative Procedure Act.

If you have clients in any of the following situations, please feel free to contact us for assistance (as these clients are class members in CSS v. Meese):

- (i) Persons who are eligible for legalization under Section 245A or Section 210, who reentered the United States without inspection after November 6, 1986, and were thereafter apprehended by the INS and expelled because of their post-November 6, 1986 reentry;
- (ii) Persons who are eligible for legalization under Section 245A, who reentered the United States without inspection after May 1, 1987, and are therefore considered ineligible for legalization by the INS;
- (iii) Persons who are eligible for legalization under Section 210, who reentered the United States without inspection after June 26, 1987, and are therefore considered ineligible to apply for legalization in the United States;
- (iv) Persons who are eligible for legalization under Section 245A or Section 210, who have been apprehended by the INS and improperly expelled from the country;
- (v) Persons who have applied for and been denied advance parole because INS did not consider their need to

travel to be a "family emergency," or they did not have a telegram to establishing the emergency.

If you have such clients, please send me any written information you have regarding the case, and telephone me two or three days after sending the information.

(3) INS EFFORT TO DETAIN ALL PERSONS RELEASED ON BOND AND LATER FOUND EMPLOYED WITHOUT WORK AUTHORIZATION

In a nationwide class action case, National Center for Immigrants Rights v. INS, we are continuing our fight against the INS "no work rider" regulations. In 1983, relying upon section 242(a) of the Immigration and Nationality Act of 1952 ("INA"), 8 U.S.C. 1252(a), the INS, for the first time since enactment of the statute some thirty years earlier, promulgated regulations requiring that persons be released on bail only upon condition they not work. No due process hearing was to be held either before or after imposing such conditions to determine whether an arrestee was in fact entitled to be in the United States or to work. Those who work in violation of no-work conditions forfeit their bond and would be subject to re-incarceration without bail.

On March 5, 1985 the district court entered summary judgment for plaintiffs and issued an injunction against INS implementing the challenged regulation, concluding that 8 U.S.C. 1252(a) does not authorize the use of bond conditions to control employment and that, in any event, the indiscriminate imposition of work prohibitions against all arrestees failed to comport with due process.

INS appealed this decision to the U.S. Supreme Court, which, earlier this year, remanded the case for further proceedings to determine the effect, if any, on the district court's decision of the employer sanctions provisions of IRCA. The following is a summary of arguments we recently made to the district court suggesting that its prior decision, favorable to the plaintiffs and class members, should not be changed.

(i) IRCA Controls Unauthorized Employment Exclusively Through Employer Sanctions; INS's Regulations Improperly Penalize Employees, a Group Congress Exempted from Penalties

The IRCA posits sweeping revisions and additions to the INA, 8 U.S.C. 1101 et seq. Title I of the IRCA adds section 274A to the Immigration and Nationality Act, 8 U.S.C. Section 1324A, and, for the first time in history makes unlawful the knowing employment of undocumented aliens. 8 U.S.C. 1324A(a)(1). Employers who violate these

restrictions face cease and desist orders and civil fines. 8 U.S.C. 1324A(e)(4). Contumacious violators are subject to both criminal penalties and civil injunctions. 8 U.S.C. 1324A(f).

IRCA did not amend INA Section 245, 8 U.S.C. 1255, which penalizes certain aliens for engaging in unauthorized employment. Section 245 provides that aliens -- other than the "immediate relatives" of U.S. citizens -- may not adjust their status (i.e. obtain lawful resident status) in the United States but instead must travel abroad to obtain the visa if they have engaged in unauthorized employment "prior to filing their adjustment applications . . ." INA 245(c)(2), 8 U.S.C. 1255(c)(2) (1976). In Section 245 Congress has thus spoken on the issue of penalizing employee aliens for engaging in unauthorized employment, and this language was not amended in IRCA. In essence, the INS seeks to accomplish through regulation what Congress specifically refused to do in IRCA; that is, to penalize all aliens for engaging in unauthorized employment.

The legislative history of the IRCA reveals that Congress specifically sought to limit employment controls to the provisions of the 1986 legislation. Extensive hearings on alien employment controls were held by the House Judiciary Committee, under the chairmanship of Rep. Peter W. Rodino, Jr., primary author of IRCA in the House, beginning with the 92d Congress in 1971. The Committee then concluded that "the most reasonable approach to this problem is to make unlawful the 'knowing' employment of illegal aliens . . ." H.R. 54-560, p.6. Representative Rodino summed up the Committee's approach as follows:

The committee believes that administrative fines will provide a sufficient economic deterrent in most cases and that criminal penalties should be imposed only on the habitual offender.

At the same time, we have avoided imposing any additional criminal sanctions on the alien who enters illegally and obtains employment, or on the non-immigrant who accepts unauthorized employment in violation of his status.

1118 Cong. Rec. 30155 (1972) (emphasis added).

The House of Representatives passed legislation adopting this approach during both the 92nd and 93rd Congresses. H.R. 16188 (92nd Congress); H.R. 982 (93rd Congress). However, neither bill received Senate action. Controlling employment through sanctions against employers remained a feature of all succeeding bills, and was eventually included in the IRCA itself.

However, Congress clearly intended to sanction errant employers, not employees. Just as the Attorney General has proposed detention of aliens to serve as a deterrent to illegal entry and employment, a witness before the Senate Immigration Subcommittee, Dr. Barry Chiswick, a research scholar, proposed "detention of the illegal worker for a period of several months . . ." Immigration Control and Reform Act of 1985, Hearings before the Senate Subcommittee on Immigration and Refugee Policy, 99th Cong., 1st Sess., June 17, 1985, S. Hrg. 99-273, at 44. Dr. Barry Chiswick claimed such a penalty "offer[s] a better hope than . . . employer sanctions." Id. at 45. Noting that this idea was "not something new," Id. at 56, Senator Simpson, Chairman of the Committee, and primary author of IRCA in the Senate, responded that it was "politically harsh, [and, perhaps] unrealistic . . ." Id. Asked to comment on Dr. Chiswick's testimony by Senator Simpson, Larry Fuchs, Executive Director of the Select Commission on Immigration and Refugee Policy, testified that "I am not sure that detention is the answer in terms of effectiveness." Id. at 57. He stated that the Select Commission "found on the political side there was much resistance to it." Id.

At the end of the hearing session, Senator Simpson expressed his opposition to the detention approach, stating that while the proposal "pointed out that there are some very fascinating ways to present to the subcommittee what we should do about illegal immigration . . . it was my thought, and the thought of the Select Commission, we ought to try the most humane one [i.e. employer sanctions] first . . . if we do not get that done, then we will go onto other methods . . . [which] are expressed out of frustration . . ." Id.

The matter only appears to have come up once again on the floor of the Senate. Senator Orin Hatch unsuccessfully opposed the bill in part because it "penalizes the wrong group for [the] actions of [illegal] individuals . . ." Cong. Rec. October 17, 1986, at S16912. Senator Hatch's extended remarks make clear that he felt that the employed deportable aliens, not the employers, should be penalized. Id. at S16912-16913. He appears to be the only Senator to make this proposal on the floor of the Senate. His suggestion, never even formalized into a proposed floor amendment to the bill, was obviously rejected by Congress.

It might also be noted that while Congress amended various provisions of the INA in response to court decisions, it did not expand the Attorney General's release powers under Section 1252 in light of the earlier nation-wide court order that we won in this case.

The district court has not yet rendered a decision on the impact of IRCA's employer sanctions provision on its

earlier decision and nationwide order which prevented the Attorney General from continuing enforcement of the "no work rider" regulation.

We strongly urge non-profits and other groups concerned with the rights of immigrants and refugees to write letters to INS Commissioner Alan Nelson, with copies of Senator Edward Kennedy and Congressman Peter Rodino, urging that INS abandon its effort to imlement the "no work rider" regulation. Unless INS's effoirt can be stopped, either through our lawsuit or through your advocacy efforts, thousands of people will be detained pending the outcome of their deportation, suspension, and/or political asylum cases.

(4) UPDATE ON VARGAS V. MEESE: SAW REENTRY CUTOFF
DATE REJECTED FOR H-2 WORKERS

In a lawsuit filed in federal district court in the district of Columbia, a court has issued a preliminary injunction enjoining the INS from implmenting the June 26, 1987, "last-date-of-reentry" rule for H-2 agricultural workers.

Plaintiffs sought a preliminary injunction to prohibit INS from refusing to accept applications by plaintiffs and their proposed class members for a change of status under the Special Agricultural Worker ("SAW") program. This case is similar to the SAW issue raised in CSS v. Meese, discussed above, except that the plaintiffs and class are limited to H-2 workers. Plaintiffs challenged the INS regulation which provides that aliens entering the United States after June 26, 1987, may not file SAW applications from inside the United States, but may only file from outside the country. See 8 C.F.R. s 210.2(c)(1).

The Plaintiffs entered this country with temporary visas that were issued pursuant to 8 U.S.C. s 1101(a)(15)(H)(ii)(a) to work in the Virginia Tobacco harvest. By statute, 8 U.S.C. s 1160, they are eligible to apply for a change of status and to be accorded the rights and benefits under the immigration laws and INS policies. Plaintiffs asked the Court to order that the INS be prohibited from failing to consider those H-2 and H-2A aliens, who last entered the United States after JUNE 25, 1987, as eligible to file applications in the United States. Plaintiffs do not seek to have their applications adjudicated pending the resolution of the lawsuit, but merely to file their applications and to be accorded the rights granted by statute to SAW applicants.

The court agreed to certify the case as a class action on behalf of all persons who entered the United

States on H-2 or H-2A temporary work visas on or after June 26, 1987 to work in the Virginia Tobacco harvest and who seek to file applications for adjustment of status under section 210. According to plaintiffs, more than 500 H-2 such aliens are currently working in the Virginia tobacco harvest, and are eligible to apply for SAW status, were it not for a regulation that disqualifies them from filing their applications in the United States.

The statute authorizing the type of visa that plaintiffs hold provides that where a grower can demonstrate to the satisfaction of the Labor Department and the INS that there are insufficient American workers available for harvest requirements, and that employment of temporary workers will not adversely affect the wages and working conditions of workers in the United States similarly situated, the grower can receive a certification to bring in foreign laborers. 8 U.S.C. 1101(a)(15)(H)(ii)(a); 8 C.F.R. s 214.2(H)(3)(A). The H-2 visas are limited to the term of employment, and the employer is responsible for ensuring that the workers leave the country at the end of the harvest season.

Plaintiffs' visas were to expire upon the termination of the Tobacco harvest, which occurs during the last two weeks of September. Upon expiration of the visas, plaintiffs would have been considered deportable aliens. Each of the plaintiffs claimed eligibility to apply for SAW status, but was disqualified from submitting an application in the United States by the regulation which limits such applications to persons who last entered the United States before June 26, 1987. 8 C.F.R. s 210.2(c)(1).

Plaintiffs cited to the decision which we obtained in Catholic Social Services v. Meese, 664 F.Supp. 1378 (E.D. Cal. 1987), as authority for the lack of statutory authority of the rule. The Court in Catholic Social Services v. Meese held that the cutoff date -- which at that time was May 1, 1987 -- was without authority under the statute. The court in Vargas v. Meese adopted much of the reasoning of the preliminary injunction in Catholic Social Services v. Meese.

The court in Vargas v. Meese noted that "the statute on its face does not impose an entry cutoff date for applying for SAW benefits within the United States." The court further concluded that "the legislative history specifically rejects a requirement of continuous physical presence in this country as a criterion of eligibility. See H.R. Conf. Rep. NO. 1000, 99th cong., 2d Sess., reprinted in 1986 U.S.Code, Cong. & Ad. News 5840, 5851. Congress did not limit the benefits under SAW on the basis of an alien's presence, although it has provided such limits in other immigration provisions."

For further information please contact Kristine Poplawski (202) 462-8192.

(5) DEVELOPMENTS IN THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE) PROGRAM

On September 8, 1987, the INS published in the Federal Register a notice regarding the SAVE program. See Federal Register, Vol. 52, No. 173, page 33882.

The INS notice provides, in part, as follows: "This notice describes the Systematic Alien Verification for Entitlements (SAVE) Program as it relates to section 121 of the Immigration Reform and Control Act of 1986 (IRCA) which requires immigration status verification of alien applicants under certain federally subsidized entitlement programs. SAVE will provide a data base specifically designed to capture information contained in INS records which when used by the entitlement issuing authority will allow it to verify the alien's immigration status. This verification will assist the federal or state issuing authority in determining the eligibility of the alien applicant to receive federally subsidized benefits. Each overseeing agency affected by this provision will publish separate regulations, as necessary, describing the use of this system. Those agencies and the designated programs include: The Department of Agriculture-Food Stamp Programs; the Department of Housing and urban Development-housing Assistance Programs; the Department of Labor-Unemployment Compensation; the Department of Education-Title IV Educational Assistance; and the Department of Health and Human Services-Aid to Families with dependent Children Program, Medicaid Program, and Certain Territorial Assistance Programs. (Food Stamps are not an entitlement program. However, for purposes of this notice the term "entitlement program" will include food stamps.)"

You are encouraged to write to the INS regarding your concerns with the SAVE program. The following comments were prepared by the National Council of La Raza.

The reference to SAVE as an enforcement tool should be deleted. There is no evidence that SAVE deters undocumented aliens from entering or remaining in the United States.

Similarly, INS's statement that nearly \$3 billion in benefits are granted to aliens unentitled to such benefits should also be deleted, since there is no evidence to support that estimate, and since the Service's methodology for making this determination is questionable at best. Moreover, even assuming the validity of the Service's methodology, the estimate includes some housing and Medicaid benefits for which some previously ineligible aliens are

now eligible. Finally, the estimate does not take into account certain classes of aliens legalized for many of the benefits programs covered by SAVE. Unless the Service's estimate is adjusted to accommodate these new classes of eligible persons, the estimate is unsupportable and should be deleted.

To the extent that any cost savings are included, then cost outlays should also be noted. The Notice fails to make any mention of these costs, except to note that other agencies will be responsible for them. Notably absent are cost estimates of hardware, software, labor, overhead, litigation and other outlays that implementation of SAVE will require.

The reference to waivers in the preamble is incomplete. SAVE implementation can be waived if an alternative system is in place or if the appropriate Secretary determines that the system is not cost-effective. To the extent waivers are mentioned in the preamble, both grounds for such waivers should be clearly identified.

We believe that it is inappropriate to require applicants to provide and identity documents bearing a photograph in all cases where the immigration document does not contain a photograph. Some state drivers licenses, for example, do not contain photographs.

Subsection (4) should be revised to read:

All immigration documentation presented that does not contain a photograph or other information describing the individual (e.g. height, weight, age) should be accompanied by another identity document bearing a photograph or containing other information sufficient to identify that individual.

The list of status displayed in subsection 6 (g) is incomplete. There are other categories of persons eligible for benefits beyond those listed in the subsection, including parolees, asylum applicants under certain conditions, refugees, etc.

We have several concerns with the section on "Secondary Verification." First, we are concerned that some unknowledgeable agency personnel might use this process in ways that have the effect of racial or ethnic discrimination prohibited by the statute. We suggest two additions: (a) a more complete list of possible "questionable characteristics" should be listed so as to give more guidance to agency personnel in assessing the appropriateness of requiring secondary verifications for ASVI-verified documents; and (b) the statute's prohibition against discrimination should be included in this section.

Second, while forms G-845A and G-845B are discussed, they are not described or reproduced in the Notice. We suggest that the two forms be reproduced in the Federal Register for comment. At a minimum, we would request the opportunity to review such forms for comment before they are finalized.

Third, with respect to subsection (3), we suggest that the full statutory language indicating that the State "may not delay, deny, reduce or terminate the individual's eligibility for benefits" pending secondary verification should be included.

Finally, the last sentence in subsection (3) should be clarified; we suggest that the following be added to the end of the sentence ". . . with instructions to the agency to re-submit the forms with the required copies." This will ensure that agency personnel do not improperly delay or deny benefits due to their own failure to follow the required procedures.

For further information and an update please contact Charles Kamasaki, National Council of La Raza, (202) 628-9600.

(6) LAWSUIT IN PREPARATION ON THE "KNOWN TO THE GOVERNMENT" ISSUE

We are in the process of completing a class action lawsuit which will challenge the INS's interpretation of the requirement in IRCA that a violation of an alien's non-immigrant status must have been "known to the government" prior to January 1, 1982 in order for the alien to qualify for legalization. INS's regulation requires that the information was known to the INS, and made its way into the alien's "A" file.

If you have any clients in the following categories, please send us any written material you have regarding the case and telephone me two or three days after sending the material:

(i) Client violated the terms of his/her non-immigrant visa prior to January 1, 1982, by engaging in unauthorized employment, and taxes were paid either by the alien or his/her employer prior to January 1, 1982;

(ii) Client violated the terms of his/her non-immigrant visa prior to January 1, 1982, by dropping out of his/her approved school and there is some evidence, however slight, that the school notified INS of the drop-out (e.g. school states that it would have notified INS but has no record);

(iii) Violated the terms of his/her non-immigrant visa prior to January 1, 1982, by acquiring a "non-work" social security card and then proceeded to work with such card before January 1, 1982.

Please send us any materials you have regarding such cases and then telephone me two or three days after sending the materials.

These mailings to the Legalization Support Network are made possible by a grant from the Rosenberg Foundation. Please feel free to copy and circulate these materials. If you are a California non-profit, you may be added to the Legalization Support Network mailing list without charge. Simply write a letter to NCIR, Inc. asking that you be added to the Legalization Support Network. All others may be added to the list by sending a check to NCIR, Inc. in the amount of \$15.00. NCIR, Inc. staff are available to respond to requests for assistance regarding the legalization program.



City of National City
Office of the City Manager

1243 National City Blvd., National City, CA 92050-4397 (619) 336-4240
Tom G. McCabe—City Manager

November 10, 1987

Mr. Herman Baca
President, Committee on
Chicano Rights, Inc.
710 East 3rd Street
National City, CA 92050

SUBJECT: ALLEGATIONS CONCERNING POLITICAL ACTIVITIES DURING
WORKING HOURS

This is in response to your letter of October 29, 1987 regarding the Police Chief allegedly conducting political activities during business hours. We have reviewed the points in your letter and have discussed them with the Police Chief. The following are our responses.

Chief Hart advises that he did not campaign for Proposition 0 on City time. Since your letter does not contain any specifics (i.e., when, how, what, who, etc.) which we can respond to, the advisory from Chief Hart will serve as our response. Chief Hart does report that he did call Mrs. Moreno who resides on Civic Center Drive, however he states that he did not "campaign" or "pressure" Mrs. Moreno during that call. Rather he indicates that Mrs. Moreno had been contacted by one of the Citizen Committee callers and requested that the Chief of Police contact her to answer certain questions she had. According to Chief Hart, he contacted Mrs. Moreno and talked to her in an informational capacity. He reportedly answered her questions the same way he would answer the questions of any concerned person involving issues of public safety and Police services. He advises that his discussion with Mrs. Moreno was in fact informational and that the subject of voting never came up. He states that Mrs. Moreno thanked him for the call and the information.

It should be noted that on August 5, 1987 a memorandum from the City Attorney (attached) was sent to all department heads advising them of the regulations pertaining to City involvement in campaigns. As such, all department heads including the Police Chief were, and are, well aware of the restrictions which apply.

Hopefully the above information responds to the concerns of your organization.

Tom G. McCabe
City Manager

TGM:lk

Attachment

xc: Mayor and City Council
Police Chief



City of National City
Office of the City Attorney

1243 National City Blvd., National City, CA 92050-4397 (619) 336-4220
George H. Eiser, III—City Attorney

AUGUST 5, 1987

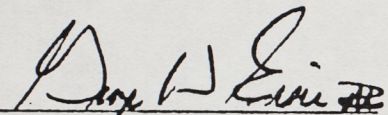
TO: MAYOR AND CITY COUNCIL
CITY MANAGER
DEPARTMENT HEADS

FROM: CITY ATTORNEY

SUBJECT: LEGAL GUIDELINES FOR USE OF PUBLIC FUNDS
DURING CAMPAIGNS

To serve as a reminder prior to the upcoming election, I am redistributing the attached materials which I provided prior to last year's election regarding the use of public funds and facilities during campaigns.

I am also available to respond to individual questions.


GEORGE H. EISER, III
City Attorney

GHE:ng



City of National City
Office of the City Attorney

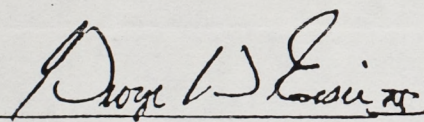
1243 National City Blvd., National City, CA 92050-4397 (619) 336-4220
George H. Eiser, III—City Attorney

AUGUST 5, 1986

TO: ASSISTANT CITY MANAGER
FROM: CITY ATTORNEY
SUBJECT: STAFF PARTICIPATION IN POLICE FACILITY BOND CAMPAIGN

You have inquired as to the propriety of staff involvement in activities related to the police facility bond campaign. Generally, it is acknowledged that public employees may engage in political activities during their off-duty hours, as long as work performance is not affected. However, public officers and employees are not authorized to take part in campaign activities during work hours, nor to expend public funds for promotional campaign activities. (Stanson v. Mott (1976) 17 Cal.3d 206, 130, Cal.Rptr. 697).

Public officers and employees, in the course of their official duties, may disseminate information in an impartial manner with respect to campaign issues. Additionally, the City Council is authorized to take a position, eg. by adoption of a resolution endorsing or disapproving a particular measure, and is statutorily authorized to order the preparation of a ballot argument.


GEORGE H. EISER, III
City Attorney

GHE:ng



League of California Cities

1400 K STREET • SACRAMENTO, CA 95814 • (916) 444-5790

Sacramento, CA
August 1, 1986

TO: CITY ATTORNEYS
FROM: DON BENNINGHOVEN
EXECUTIVE DIRECTOR
RE: NOVEMBER BALLOT MEASURES

In anticipation of a great deal of interest and questions on the part of city officials and employees on do's and don'ts in the upcoming initiative campaigns, we have prepared and distributed the attached "Legal Guidelines for Initiative Campaigns".

These guidelines were prepared based on a Legislative Counsel opinion (Opinion No. 15423, dated September 18, 1980) and on the following key cases:

Stanton v. Mott (1976) 17 Cal. 3d 206; and

Mines v. Del Valle (1927) 201 Cal. 273.

Any comments or questions you may have on these guidelines should be directed to our Staff Attorney, Paul Valle-Riestra in the Sacramento office.

Also attached is a legal analysis of Proposition 61 -- The Gann Pay Limitation Initiative, prepared by a Legal Issues Task Force, which was chaired by Joe Coomes of McDonough, Holland and Allen. We hope you will find this useful in interpreting this complex and confusing ballot measure. Questions or comments should be directed to our Sacramento office, to the attention of Richard Carpenter, Director of Employee Relations.

att.

legal2.exec

LEGAL GUIDELINES FOR INITIATIVE CAMPAIGNS

Public employees have legal limitations on their campaign activities to insure that public funds are not used to advocate a position. This precludes certain activities during public employees' work hours and use of public funds to pay for related expenses, such as telephone calls, postage, photocopying or other materials. Additionally, public safety personnel are not allowed to engage in political activities while in uniform.

Public employees may advocate a position on an initiative during their off-hours. The restriction against spending public dollars still applies, however, and any expenses must be paid from their own pockets or private campaign funds.

There are no restrictions on campaign contributions you may make as a private citizen, using your own funds. However, be aware that anything over \$99 must be reported by the campaign committee (This means your name, address and occupation will be filed with the Secretary of State's office during the next reporting period.).

Other information activities are also permissible. These include providing the public with a fair presentation of relevant information about a ballot measure. Listed below are examples of permissible activities which fall into this public information category:

Examples of Permissible Activities:

1. The League may provide technical information by way of objective bulletins.
2. Cities may prepare detailed descriptions of the impact of a proposition on the city.
3. Elected city officials can campaign for or against an initiative if they do not use public funds. They can use the objective information prepared by the League and cities in any way they wish. (Elected officials have flexibility in this regard because there are no formal office hours and elected officials frequently divide their working time between official city duties and other activities.)
4. City officials, elected and appointed, can call and provide information to keep people in the community informed such as the media and community leaders.
5. City officials, elected and appointed, can provide voter registration materials and encourage voter registration, but may not advocate for a particular issue or political party during voter registration activity.
6. City officials and League officials can encourage other groups, e.g., the League of Women Voters, to hold forums or debates. Elected officials can participate and even advocate a position if public funds are not used. If public funds are used, city or League officials can only provide objective information. In addition, the city itself or the League can

sponsor forums or debates or hold public hearings if all views are presented. (Remember - because a debate means you advocate a position, public funds cannot be used if the League or city representative actually debates.)

7. League staff can provide objective information to other groups, e.g., Cal-Tax, legislators, labor, which are not restricted and can make use of it in the campaign.
8. League staff can provide objective information to a group of city officials who could then use non-public funds to campaign around the state as a "panel of experts."
9. League staff and/or city officials can meet with newspaper editors and other groups to objectively explain the impact of an initiative on cities.
10. Under the First Amendment, The League and cities can take a position on a ballot measure and inform the public of this position. However, public funds cannot be spent to persuade others to take the same position.
11. The League and cities can prepare and distribute factual information to city officials and the public. The League can include arguments and viewpoints as long as both sides are represented in a fair manner.

One final caution. If there is any question about whether or not the activity is permissible, contact your city attorney or the League office. If there is still a question, USE YOUR OFF-HOURS. After all, the public trust is what we're elected or appointed to protect. It's in all of our best interest not to violate it.

legal.exec

Coalición

203½ E. 7th., El Paso, TX 79901 - (915) 532-0921

26 de diciembre de 1987

Ventura Gutiérrez
U.P.W.
P.O. Box 66
Coachella, CA 92236

Compañero Ventura:

La presente me sirve para saludarte y también para pedir tu colaboración en el siguiente asunto.

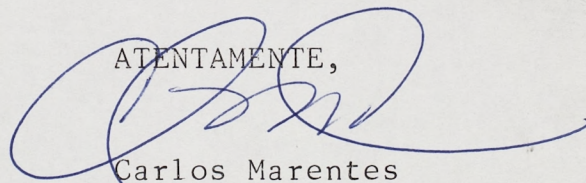
Como sabes, ya para el día último de diciembre o a más tardar para la primera semana de enero tenemos que juntar la documentación sobre violaciones de derechos humanos de indocumentados y refugiados, para enviarles una copia a los compañeros del International Indian Treaty Council y acepten acreditarlos ante la Comisión de Derechos Humanos de las Naciones Unidas.

Entonces, necesitamos que soliciten documentación a las organizaciones de California que han estado envueltos en el trabajo de defensa de los indocumentados y refugiados como el Committee of Chicano Rights de San Diego y otros que tú conozcas.

Esta documentación puede ser en la forma de testimonios de los afectados, testimonios de las organizaciones sobre casos que documentaron, grabaciones, fotografías, etc. Las organizaciones e individuos que nos proporcionen documentación recibirán el crédito apropiado y además recibirán el paquete de documentación antes de ser presentado a la ONU, y lo podrán utilizar en su trabajo o campañas en defensa de los inmigrantes.

Debido al tiempo, Ventura, nos urge que esta comisión se lleve a cabo lo mas rapido posible.

ATENTAMENTE,



Carlos Marentes
Coordinador

The New Workplace

A quarter of a century ago, the path leading most Latino immigrants to the promise of prosperity in this nation wound first through its tomato fields, orchards and vineyards.

In the mid-'60s, playwright Luis Valdez helped bring those newcomers and their struggles to the attention of the nation when he launched his United Farm Workers Union theater, *El Teatro Campesino*.

Today, the path guiding a new generation of Latino immigrants more often than not bypasses the increasingly mechanized agribusiness fields. Instead, it leads to our cities and their service fields. As the United States shifts from a post-industrial age to an information society, nine out of 10 new jobs will be generated by the service economy.

The story of the new arrivals was dramatized by the UFW's parent union, the AFL-CIO, at Los Angeles' prestigious Mark Taper Forum on Dec. 8 in "The Greatest Stories Never Told: Voices from the New American Workplace."

The 90-minute presentation involved 13 union members, including Jess Barajas, a Los Angeles County social worker, and Hope Fierro, a registered nurse and former organizer for César Chávez. Both are members of the Service Employees International Union and portray themselves in the unique theater project.

SUICIDE TESTS BARAJAS

To prepare for their roles, they, along with 11 other workers-turned-actors, studied in a 10-week workshop under acclaimed director Victoria Ann Lewis.

In his engaging Forum monologue, Barajas relates the day-to-day frustrations he faces as he tries to serve a client list of deprived *barrio* kids from troubled homes. The young social worker complains of case overloads, government red tape and constant crises. He struggles to remain caring, hoping not to end up a cynic. When one of his wards commits suicide, he is tested.

A modern "Man of La Mancha," he fights the crowded Los Angeles freeways on his field calls, jousts with a faceless "system" and shows the audience that he is committed to right the wrongs he finds.

Hope Fierro, the registered nurse with salt-and-pepper hair, a merry laugh and a sweet face, takes what could have been a tragedy and turns it into light comedy.

In her monologue, she tells us about an old man whose doctor had given him up for dead. Assigned to care for him for the night, Fierro becomes angry when she finds that no one had bothered to bathe the old man or even to change his soiled bedding.

She tackles her "death watch" assignment with zeal and indignation that her patient and his family have accepted the doctor's verdict. She sets about to clean him up, all the while chattering, urging him to live. From time to time she lapses into Spanish as she cajoles, teases and pleads with her patient. She prays to the Virgin Mary, to Jesus, to the saints and angels on behalf of the "doomed man."

PATIENT VERY MUCH ALIVE

In the morning, the old man's doctor comes in to check for vital signs. He is amazed that the patient is very much alive.

The unique program is a joint venture of the AFL-CIO's Labor Institute of Public Affairs, which wants to get its message across that service workers typically earn \$100 a week less than manufacturing workers, and the Mark Taper Forum.

What fate awaits Barajas and Fierro and the rest of the troupe of workers-turned-actors after their night under the stage lights of the famous Forum?

For the immediate future, they will be back doing what they are trained and paid to do - serving the people who need them.

(Alicia Sandoval, a popular Los Angeles news personality for years, now serves as director of communications, AFL-CIO, Los Angeles County Federation of Labor.)



ALICIA SANDOVAL
Director of
Public Relations/Communications

Sin pelos en la lengua

FOOLS' RULES: Why do some Latinos keep insisting that there's a double standard at work in their communities?

✓ **ASK UVALDO:** San Diego City Councilman **Uvaldo Martinez** tabbed \$607.80 worth of meals with friends to his city credit card. He got caught, was found guilty of a felony, forced to resign from office, ordered to do 400 hours of community work and to reimburse the city.

Meanwhile, San Diego Police Chief **Bill Kolender** was busy fixing traffic tickets, lying about it, using his staff to pick up his laundry and take his children to the dentist, accepting gifts like season tickets to San Diego Chargers' football games and illegally helping a friend buy a gun.

A two-week investigation by City Manager **John Lockwood** concluded Nov. 26 that the chief's actions were only "technical" violations of the law. He let Kolender off with a reprimand, no fine, no reimbursement, no loss of job. Lockwood brushed away the fact that the chief and his top aides dismissed parking tickets and citations for moving violations for friends, relatives and influential citizens by saying "there is historical precedence for this conduct."

ASK THE GOVERNORS: The Southern Governors Association has just formally urged that foreign language education start as early as the first grade.

Yet states like Georgia, Kentucky and Virginia point proudly to the "Official English" statutes they now have on their books.

ASK THE CONGRESS: Congress passed the landmark Civil Rights Act of 1964 and the Equal Employment Opportunity Act of 1972. Its liberal members continually badger private sector institutions about their hiring and promotional practices.

Yet it has carefully exempted itself from all of its own equal employment laws. The last time we conducted a tally, less than 3% of Congressional staff members were Hispanic.

ASK ALAN: The nation's biggest, purportedly most responsible, newspapers are still telling their readers that "millions" (as many as 20 million, in one report) of undocumented workers will be eligible in May to apply for legalization. All reliable studies we have seen place the number between one and two million.

If the press were distorting the number of aliens who are maltreated by agents of the U.S. Immigration and Naturalization Service, Commissioner **Alan Nelson** would be the first to set the record straight.

But, with solid estimates at his disposal (he needs them to staff properly for his legalization processing responsibilities) and with frequent goads by Hispanic Link and other media, he steadfastly refuses to provide the public with an honest estimate.

It makes one wonder whether INS wants the public and the Congress to keep believing all those tales about "alien hordes."

- Kay Bárbaro

Quoting...

GÉRALD BALILES, governor of Virginia and chairman of the Southern Governors' Association Advisory Council on International Education, in its November report, Cornerstone of Competition:

"America is a living paradox: a nation of nations that is afraid to learn different languages."

CARL HIAASEN, Miami Herald columnist, on the Voice of America decision to transfer reporter Annette López-Muñoz from her White House beat for violating policy by asking questions during a televised presidential press conference:

"López-Muñoz said she will fight her case within Radio Martí, and I hope she prevails. The alternative is to leave Uncle Sam's airwaves to the party hacks and pretenders."

COLLECTING

ENGLISH LANGUAGE OPPORTUNITY ACT: Copies of California Senate Bill 9, introduced by Sen. Art Torres and providing for a volunteer program to expand English literacy classes for limited- and non-English-speaking adults, may be obtained by writing to: Sen. Art Torres, State Capitol, Room 2080, Sacramento, Calif. 95814 (916) 445-3456.

MEDIA CALENDAR: The National Association of Hispanic Journalists will put out its 1987 calendar around Christmas. The calendar contains 23 photographs by 12 Latino photojournalists, as well as a listing of different events sponsored by media associations throughout the country. To order, send \$8 to: NAHJ, 529 14th St. NW, Washington, D.C. 20045 (202) 783-6228.

NEW YORK CITY FUTURE EMPLOYMENT: The New York City Department of Employment has issued "Labor Market Outlook for Young People in New York City: Prospects to the Year 2000." The report projects an increasing availability of jobs for Latinos and other minorities. For a free copy, write to: DOE, Office of Public Affairs, 220 Church St., Room 507, New York, N.Y. 10013.

MINORITY VENDORS: Philip Morris Companies Inc. has put together a booklet on how Hispanic and other minority entrepreneurs can sell their services and goods to the corporation. The booklet, "They Sell to Philip Morris, So Can You," lists the four steps to become a supplier and the goods and services normally purchased. For a free copy, write to: Angela Gagliardo, Philip Morris, 120 Park Ave., New York, N.Y. 10017.

GUM DISEASE: Three out of four people will suffer from gum disease in their lifetime. A Spanish-language pamphlet by the American Academy of Periodontology addresses the causes of the disease, its signs, and its prevention and treatment. For a free copy of "Enfermedades de la Encias: La Epidemia Invisible," send a stamped, self-addressed envelope to: AAP, 211 E. Chicago Ave., Chicago, Ill. 60611.

LATINOS IN CALIFORNIA: "California 2000: A Business and Economic Appraisal," a 32-page report, predicts that Hispanics and Asians will have a significant impact on business and politics in that state by the year 2000. For a copy, send \$5 to: Wells Fargo Bank, #0102-102, 475 Sansome St., San Francisco, Calif. 94163.

DOMESTIC VIOLENCE: "Mejor Sola Que Mal Acompañada," by Myrna Zambrano, is a bilingual book approaching emotional and physical abuse from a Latina's perspective. To obtain a copy, send \$7.95 to: The Seale Press, 500 E. Pike, Seattle, Wash. 98122.

Calendar

As it has in the past, Weekly Report will publish a list of major 1987 conferences, seminars and banquets scheduled by Hispanic organizations. The list will be published in December. Organizations that wish to have their event included should phone in or send the following information: date, place, brief description of event and name and telephone number of contact person. Address all correspondence to Calendar editor, Hispanic Link Weekly Report, 1420 N St. NW, Washington, D.C. 20005 (202) 234-0280.

THIS WEEK

THEATER PRODUCTION

Los Angeles Dec. 8
Two Latino service workers-turned-actors will star in "The Greatest Stories Never Told - Voices from the New American Workplace," a play sponsored by the AFL-CIO at the Mark Taper Forum.
Dennis Shanahan (213) 658-6274

ISSUES FORUM: IMMIGRATION

Kansas City, Mo. Dec. 12, 13
This forum, at Penn Valley Community College, will

include an overview of U.S. immigration history, immigration policy and input from Kansas City Latinos.
Francisco Ruiz (816) 932-7600

LEGISLATIVE PROCESS WORKSHOP

Washington, D.C. Dec. 13
Congressional Hispanic Caucus Executive Director Elvira Castillo and National Education Association Media Specialist Elvira Crocker will be guest speakers at the Mexican American Women's National Association legislative process workshop designed to help individuals work more effectively on legislative issues affecting the Hispanic community.
Avalyn Castillo (202) 223-3440

CHRISTMAS DANCE

Santa Clara, Calif. Dec. 13
Chicanos In Action, a Hispanic IBM employee service organization, is sponsoring a benefit Christmas dance, including a performance by *maria chis*, to aid community organizations.
Eastside Youth Center (408) 258-2587

COMING SOON

CHRISTMAS BENEFIT DANCE

Houston Hispanic Fire Fighters Local 341
Houston Dec. 20

CONNECTING

(Late news on what's occurring within the U.S. Hispanic community and those agencies and corporations that work with it.)

\$5,000 'PARTNERSHIP' AWARDS OFFERED

A national competition offering a dozen awards of up to \$5,000 each to groups involving Hispanic parents in creative education-related projects with schools was announced Nov. 20.

Sponsor of the program is the Reader's Digest Foundation. With a Jan. 30 deadline for brief proposals, the project will be administered by the Hispanic Policy Development Project. Winners will be notified in March.

The program is designed to encourage greater cooperation among parents of children in grades K-9, teachers and administrators at schools with at least 25% Hispanic enrollment.

For information and entry forms, contact Carmen Lydia Ramos, project coordinator, Parent/School Partnership Campaign, Hispanic Policy Development Project, 250 Park Ave. South, Suite 5000A, New York, N.Y. 10003 (212) 529-9323.

'... ENHANCING AMERICA'S FUTURE'

The Hispanic Heritage Week Coordinating Committee of the Washington, D.C., Council of Hispanic Employment Program Managers already is soliciting artist's conceptions for next September's national poster.

Their selected theme is "Hispanics: A Proud History... Enhancing America's Future."

A prize of \$100 and national exposure are offered to winning artists. Entry deadline is Feb. 1. For more information, contact Orlando Gutiérrez, NASA Headquarters, Code UI, 400 Maryland Ave. SW, Washington, D.C. 20546 (202) 756-6365.

UNIVERSITY ESTABLISHES SCHOLARSHIPS

The new Xerox/Clarkson University Scholarship Program for minority high school students interested in pursuing an engineering career will help 10 students from the Rochester, Syracuse and Buffalo areas with tuition.

The program is being supported by a \$250,000 grant from Xerox with an equal commitment by Clarkson from its institutional resources. The first grant will be awarded to the Potsdam, N.Y., university in July 1987.

For more information contact: Steve K. Schoenholtz (315) 268-6481.

Juan Hernández (713) 223-9166

JEWIS IN LATIN AMERICA

Latin American Jewish Studies Association, University of Florida at Gainesville.
Gainesville, Fla. Feb. 13-17
Judith Elkin (313) 996-2880

ETHNIC STUDIES

National Association for Ethnic Studies
San Diego Feb. 25-28
Charles Irby (714) 869-3593

SPOTLIGHT

CAREER WORKSHOP: Hispanic Business magazine will select 200 Southern California Hispanic seniors and juniors majoring in finance, computer science, engineering, management and physical sciences to participate in a professional career workshop in Los Angeles. Applications are available at business/engineering student organizations for the Feb. 21 event. Application deadline is Feb. 6. For further information, contact HB at 360 S. Hope Ave., Santa Barbara, Calif. 93105 (805) 682-5843.