PRESS ★

STATE SOCIAL WELFARE BOARD POSITION STATEMENT

ISSUE: ALIENS IN CALIFORNIA

JANUARY 1973

STATE OF CALIFORNIA
HEALTH AND WELFARE AGENCY
DEPARTMENT OF SOCIAL WELFARE

STATE SOCIAL WELFARE BOARD

Position Statement

Issue: Aliens in California

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Mr. Jack W. Thompson
744 P Street
Sacramento, California 95814
916/445-8934

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State Social Welfare Board's Exposure to the Problem of Aliens in California

The State Social Welfare Board functions under the statutory authority of Section 10700, et seq., California Welfare and Institutions Code, and acts in an advisory capacity to the Governor and the State Director of Social Welfare. In this capacity, the Board regularly holds public meetings throughout the State of California. In addition to conducting its regular business, these large-scale community meetings have proven of value in providing the Board with a firsthand exposure to problems and trends encountered by various segments of our society.

Through testimony received by the State Social Welfare Board in locations adjacent to the Mexican border, the Board first became aware of severe problems related to the influx of illegal aliens. Initially, concern was expressed about the direct impact of these individuals on California's public assistance rolls. In July 1970, the State Social Welfare Board proposed certain administrative actions and policy positions to alleviate this problem. These positions are described elsewhere in this report.

In subsequent meetings, the Board became aware of other ramifications of the alien problem in California in addition to public assistance. The pervasiveness of this problem resulted in the Board's determination to assemble as much data as possible and raise the issue for public discussion. In this way, the Board expects to assist those in legislative and administrative positions at the local, state and federal levels of government in their assessment and resolution of the problem.

Outside of officials and agencies directly concerned with immigration and naturalization laws and their enforcement, there is little authoritative statistical or fiscal data concerning the impact of aliens in California. As has been the case in other studies conducted by the State Social Welfare

Board, this fact relates to the general lack of awareness that a problem exists. The data contained in this report is not complete, simply because additional information is not available. However, the Board suggests that the fiscal and social implication of the data contained herein is sufficient to justify the concern of officials at all levels of government and the public which they represent.

The Board wishes to acknowledge the constructive assistance made by government officials and comments on specific areas of concern made by growers and domestic farm laborers in meetings in various parts of the state. Special acknowledgment is made for the high level of cooperation rendered by officials of the United States Immigration and Naturalization Service, and the United States Border Patrol during the Board's work on this subject.

This country was founded by immigrants. Throughout its history, persons arriving from other countries have made and continue to make major contributions to the social, cultural, and scientific enrichment of the United States. The year 1882 brought the enactment of the first General Immigration Statute. This was followed by more comprehensive immigration legislation in 1891. Since that time, the social and economic components of our society have undergone dramatic change. This fact, coupled with additional legislation, and a number of court decisions has resulted in a condition which may not be in the public interest. The Board suggests the need for a complete reassessment of immigration and other statutes and administrative relationships at the federal level in the light of today's social and economic problems and needs.

Classes of Aliens

This report will deal with certain immigrants and only a limited number of nonimmigrant classes. However, in order to provide a better understanding of the various classes of aliens, the following definitions are provided:

1. Immigrants - Aliens who have been admitted for permanent residence. They can remain indefinitely, own property, work, and move about without restriction so long as they comply with the laws relating to alien registration, changes of address, and annual reports. Such aliens may become subject to deportation, however, if they (a) are convicted of certain crimes, (b) engage in subversive or immoral activity, or (c) become public charges. All are required to have alien registration receipt cards.

2. Nonimmigrants - Aliens admitted temporarily for specific purposes and periods of time. They are:

   a. Foreign government officials on official business and their families and servants.

   b. Visitors for business or pleasure. "Business" does not include accepting employment in the United States.

   c. Aliens in travel status while traveling directly through the United States.

   d. Alien crewmen who may be given shore leave while their ship is in port, or given permission to seek a berth on another vessel. In no event may the time limit exceed 29 days and accepting employment in the United States is grounds for deportation.

e. Treaty traders and investors and their families.

f. Alien students admitted to attend specific schools. Students may accept employment only with written permission. If they fail to maintain status as a bona fide student, they are subject to deportation.

g. Representatives and personnel of international organizations and their families and servants.

h. Temporary workers, including agricultural laborers.

i. Members of foreign press, radio, film, or other information media and their families.

j. Exchange visitors who are here under Department of State approved programs of study, teaching, research or training.

3. Parolees - Aliens not otherwise admissible who are sometimes paroled into the United States at the discretion of the government. Employment is permitted in most instances.

4. Illegal Entrants - Those aliens who were not admitted to the United States for either temporary or permanent stays, but entered in such a manner or place as to avoid inspection. These aliens are deportable.

Except for those aliens admitted specifically to work, such as agricultural laborers, nonimmigrant aliens normally may not accept employment in the United States. Students and exchange visitors may, with written permission, accept certain employment.

Generally, this report addresses itself to three groups of aliens and care should be exercised in noting the differences between these individuals.

Recent Immigrants (Item 1 above) - Those who have been admitted to the United States for permanent residence within the past five years.

Temporary Aliens (Items 2-a through j) - Those who have been legally admitted for a temporary period and who maintain their permanent residence in the foreign country. Particular emphasis is placed on students (f), temporary workers (h) and exchange visitors (j).

Illegal Aliens (Item 4) - Those who entered the United States illegally or, having been admitted on a temporary basis, have overstayed their legal admission period.

Profile of the Illegal Alien

It is a popular misconception that the illegal alien has a criminal nature. With rare exception, this is not the case. It is a fact that by entering the United States without inspection or by making false statements, he is in violation of the United States Immigration and Naturalization Act. Although having committed a crime in every sense of the word, he is usually motivated by a desire to obtain employment from which he can earn sufficient money for his own support or the support of a family, either in the United States or at home. A more generalized charge of "criminal" can be attached to those who aid and abet the alien's illegal entry into this country. Both groups need to be dealt with under the law. However, most vigorous criminal prosecution should be directed toward the alien smuggler or "El Coyote" as he is called.

The following characteristics data relates to a group of 72 aliens being deported to Mexico. It was compiled from United States Immigration and Naturalization Service form 1-213, "Record of Deportable Alien." It should be noted, however, that Border Patrol officers do not have sufficient time to gather voluminous verified data on each case. Generally, the information below is based on the deportees' statement except when that statement is in conflict with record information.

The term "deportable alien" conjures up an image of a male; however, 15 percent of the sample of deportable aliens were females. Generally, the public is not aware of the youthful age of many persons illegally entering this country. This is indicated by the spread among the various age groupings in our sample:

Age 18 and under - 30 percent

Age 18 to 25 - 32 percent

Age 25 to 50 - 35 percent

Over age 50 - 3 percent

Less than half of the deportees in the sample were married. Of those who were married, 73 percent had spouses residing outside the United States. Of those aliens in the sample who were married, 69 percent had children and only 16 percent of the children in these families were citizens of the United States. The remaining families were composed of children who were Mexican Nationals and these families tended to be large, with 73 percent having four or more children. Two factors should be considered in regard to the stated marital status of the aliens and with respect to the number of their children who are United States citizens. First is the relatively youthful age of almost one-third of the deportees and, secondly, is the concern of the deportee about identifying and indicating the location of his family in the United States.

Generally, the longer an illegal alien stays in this country, the farther he gets from the border, the more money he is able to save, and the more proficient he becomes with the English language, the less likely he is to be apprehended by the Border Patrol. Considering the hundreds of miles of desolate border country shared with Mexico, Border Patrol officers do a highly commendable job attempting to curtail illegal entries. In spite of regular and periodic roadblocks, the staffing of border check stations, roving patrols, aircraft surveillance, and other more sophisticated techniques, the task of maintaining a tight control over the miles of border is practically impossible. The situation is aggravated by the alien's desire for anonymous existence and the employment opportunities offered in heavily-populated areas. In the sample, 51 percent of the deportees were apprehended at or near the point of entry. Another 10 percent were taken into custody in jails or hospitals and 17 percent were apprehended at various points in Imperial County. It is significant that 18 percent of the deportees in the sample were taken into custody at various points in the County of Los Angeles and 4 percent in northern cities where apprehensions are less likely to occur.

The possibility of employment is a strong motivating influence. In the sample, 64 percent of the deportees had been apprehended while seeking employment, whereas 24 percent had been employed up to or shortly before the date of apprehension. The remainder of the sample had been taken into custody from a hospital or a jail or, with respect to a few women in the sample, had not been employed outside the home. Of these cases in the sample which contained information on the deportee's last employment, 58 percent had been employed as farm laborers, 35 percent as general laborers, and 7 percent in crafts.

A Perspective of the Alien Problem

In January 1971, there were 996,107 aliens legally in the State of California -- almost one in twenty in the general population. This information is gained from annual alien address reporting in the three Files Control Offices within the State of California. The residence of these aliens is as follows:

San Diego Office (counties of Imperial and San Diego) - 78,802 - 8%

Los Angeles Office (counties north of Imperial and San Diego to the northern boundary of Kern and San Luis Obispo Counties) - 574,689 - 58%

San Francisco Office (all counties north of San Luis Obispo and Kern Counties) - 342,616 - 34%

California leads all other states in the number of aliens reporting their addresses each year and exceeds New York by over 150,000 aliens. In 1970, ten states accounted for 79.6 percent of the total reported alien population of 3,719,750 permanent residents and 527,627 temporary residents. In rank order, they are:

California - 23.1%
New York - 19.3%
Florida - 6.8%
Illinois - 6.2%
Texas - 6.1%
New Jersey - 5.5%
Massachusetts - 4.0%
Michigan - 3.4%
Pennsylvania - 2.6%
Connecticut - 2.6%

The enormity of the enforcement problem encountered by the United States Border Patrol and other elements of the United States Immigration and Naturalization Service is illustrated by the number of legal border crossings that occur each year. Immigration Service records indicate that in the fiscal year ending June 30, 1970, there were 231,598,385 legal border crossings, of which 144,414,080 occurred at points along the Mexican border. Of these crossings at Mexican border entry points, 86,699,629 were by aliens legally admitted.

The number of persons immigrating to the United States (admitted for permanent residence) is also increasing. In 1970, 373,326 individuals were accepted for immigration and with the exception of the year 1968, this is the largest group of immigrants to be received in a single year since 1924. Of the total persons immigrating in the fiscal year ending June 30, 1970, 86,043 were exempted from the numerical limitation by virtue of their status as parents, wives, husbands, and children of United States citizens.

In addition to legal border crossings by aliens and United States citizens, and admission of immigrants who intend to become permanent residents, over 918,000 persons were admitted to the country between 1946 and 1970 by virtue of Executive Order of the President and special enactments of Congress. These special programs are as follows:

President's Directive of December 22, 1945	- 40,324
Displaced Persons Act of 1948	- 409,696
Refugee Relief Act of 1953	- 189,021
Act of July 29, 1953 (Orphans)	- 466
Act of September 11, 1957	- 29,462
Act of July 25, 1958 (Hungarian parolees)	- 30,749
Act of September 2, 1958 (Azores and Netherlands refugees)	- 22,213

Act of September 22, 1959 (Refugee relatives)	- 1,820
Act of July 14, 1960 (Refugee Escapees)	- 19,714
Act of October 3, 1965 (Conditional entries by refugees)	- 39,149
Act of November 2, 1966 (Cuban Refugees)	- 135,823

In addition to the 373,326 immigrants admitted to the United States in the fiscal year ending June 30, 1970, there were an additional 136,693 temporary workers admitted under Section 101(a)(15)(H), and Section 101(a)(15)(J), of the Immigration and Naturalization Act. Of this group, 32,362 were students, and 55,394 or 41 percent of the total were classed as clerical, sales workers, craftsmen, operatives, private household workers, service workers, farm laborers, or laborers. Of this latter group, less than 1 percent were classed as workers of distinguished merit and ability.

If the numbers of border crossings and immigrants admitted to this country present problems in administering the immigration statutes, these problems are magnified a hundredfold in attempts to enforce these statutes. There are a number of factors which can result in the deportation or expulsion of an alien. Primarily, however, this action results from the alien having entered the United States illegally, or having entered legally, overstayed his leave or committed some other unlawful act.

California is located within the United States Border Patrol's southwest region. For the seventh consecutive year since the termination of the Mexican Agricultural Labor Act, the southwest region has experienced a major increase in apprehensions. Some 335,000 deportable aliens were apprehended during the 1970-71 fiscal year, an increase of about 86,000 over the 1969-70 fiscal year. The increase alone exceeds the total of apprehensions as recently as 1965-66, when 71,052 deportable aliens were apprehended. Border Patrol apprehensions in the region sustained a rate of

over 1,000 per day for the final two months in the 1970-71 fiscal year. Projections, even allowing for the usual decline during winter months, make a total of 400,000 apprehensions not unlikely in the 71-72 fiscal year.

The extent of California's problem with the illegal alien can be more clearly illustrated by comparing the increase in apprehensions over the past few years. With respect to California only and only with respect to illegal Mexican aliens, the following apprehensions were made by Border Patrol officers:

64-65	22,205
71-72	134,551

Violations involving alien smuggling offenses continued at a high rate during the 70-71 fiscal year, with totals of over 3,600 smugglers and about 20,000 smuggled aliens being apprehended. This represented an increase of 20 percent over the previous year's total of 3,000 smugglers, and 10 percent for smuggled aliens, thus continuing a consistent pattern of annual increases which has prevailed since the fiscal year 1964-65.

Incidental to their regularly assigned duties, border patrol agents in the southwest region seized about 44,000 pounds of marijuana during the 70-71 fiscal year, as well as about $200,000 worth of other drugs.

The problems discussed in this report are recognized by many states throughout the country. On October 1, 1971, a legislative investigating commission established in the State of Illinois reported to the members of the Illinois General Assembly following an extensive investigation of the problems caused by illegal immigrants of Mexican descent. The Illinois report further vividly describes the circumstances and life style of illegal aliens in certain parts of Illinois. It discusses various methods by which Mexican Nationals illegally

cross the border, and describes in detail the ways in which aliens are smuggled into this country based upon testimony of an admitted smuggler.

The commission conducted a study of 190 apprehended illegal Mexican aliens who were known to have been employed and for whom social security numbers were available. The study indicated that 76 of the aliens filed Illinois State Income Tax Returns for the calendar year 1970, and 114 did not. The report concludes that of those illegal aliens who did file state income tax returns, it was reasonable to assume that most had falsely declared the number of dependents on the withholding forms filed with their employers, collecting more take-home salary than they were entitled to and thereby defrauding the State Revenue Department.

The Illinois report expresses the view that the illegal Mexican alien problem in Illinois is primarily an economic problem which could easily be resolved if these persons were denied employment. It discusses the problem in terms of the intolerable conditions under which the illegal aliens live, the extortion of money from illegal Mexican aliens, the drain on the state's economy due to the displacement of the domestic work force by the underpaid illegal alien, and the impossibility of effectively curbing the flow of illegal aliens through traditional enforcement methods. It states, "The only practical remedy seems to be the passage of a state law obliging employers to demand written proof of legal alien or citizenship status as a prerequisite for employment, the failure of which would make employers liable to fines, with second and subsequent offenders subject to revocation of business licenses under certain circumstances."

The problems encountered in the State of California with respect to the existence of illegal aliens are not dissimilar to those encountered in the State of Illinois. These problems are pervasive in that they represent a drain on public

assistance programs, inflate the costs of tax-supported medical programs, reduce employment opportunities for California residents, and represent a further drain on the state's economy since a substantial part of the earnings are returned to Mexico.

The human element should not be overlooked in discussing California's problems with the illegal alien. The smuggling business is not only rampant but profitable. For a fee which ranges between $100 and $300, arrangements can be made for a border crossing by a person of any age and this service may also include falsified immigration and other documents. The smuggler or his ally will normally transport an individual or a group to some point inside the Mexican border. Frequently young children will be used to guide the group across the border on the assumption that if apprehended, the child will not be prosecuted and simply returned to Mexico. Usually the group is met by a contact on the United States' side of the border and transported to previously arranged destinations.

Each day, border patrol officers work enumerable cases which involve some of the most heart-rending situations imaginable. Young children riding for hours hidden in the trunk of a smuggler's car with a parent are not uncommon. Officers frequently apprehended children who have ridden for days in railroad freight cars in order to travel inland from the Mexican border. Other factual situations illustrating the severity of this problem in terms of human suffering are described elsewhere in this document.

Illegal/Temporary Aliens and Public Assistance

In early 1970, the State Social Welfare Board, through meetings held in counties near the Mexican border, became aware of severe problems with respect to abuses of the public assistance program by illegal and/or temporary aliens. California's durational residency statutes had been struck down by the Supreme Court. Concern was expressed to the Board by public officials and members of the general public about individuals and entire families settling in border counties or moving inland, and shortly thereafter qualifying for a variety of welfare-related benefits. Special problems were identified in connection with male aliens who fathered children in this country, either in or out-of-wedlock, the child of that relationship becoming a United States citizen.

Consultation with public officials in other parts of the state confirmed that problems with illegal and temporary aliens were not limited to the border counties and, in fact, the problem was widespread. Little, if any, communication existed between county welfare departments and immigration authorities for the purpose of identifying illegal aliens and temporary aliens who had overstayed their leave. In some jurisdictions, federal and state statutory and regulatory provisions relating to the confidentiality of welfare records were interpreted as preventing this kind of communication with immigration authorities. Federal and state welfare eligibility requirements made no distinction between citizens and noncitizens with respect to welfare entitlement. Consequently, valid statistical information as to the program impact of aliens was not maintained at any level of welfare administration.

Through the cooperation of Immigration and Border Patrol authorities, the Board became aware of the kinds of abuses of the welfare system and federal food programs taking place from their perspective. Instances were cited in which apprehended illegal and temporary aliens had in their possession food stamps or documents

which indicated the individual had some contact with the local welfare department. In other instances, Border Patrol officers became aware of entire families who had entered the country illegally and had been admitted to the public assistance rolls, or cases in which the apprehended alien had been living with a welfare family.

The problems noted above relate primarily to that program known as Aid to Families with Dependent Children. This program, which currently serves almost 1,000,000 children in the State of California, involves a financial partnership between the federal, state, and county governments. The program has two components. The Family Group program (AFDC-FG), by far the largest single category of aid in California and across the country, provides financial assistance to children who are deprived of at least one parent and, in addition, meet the needs test. The second component known as the Unemployed Parent Program (AFDC-U) also has a needs test and serves those families in which both parents are in the home, but the wage earner is unemployed. Other problems related to welfare are those instances in which an immigrant is admitted to the United States for permanent residence and becomes a recipient of public assistance or other public benefits within five years of his admission. The latter problem is treated elsewhere in this report.

During 1970, the Board, adopted two policy proposals relating to the issue of illegal and temporary aliens qualifying for public assistance benefits. The Board noted that the Supreme Court decision nullifying California's durational residency statutes did not affect California's requirement that public assistance recipients must be residents of the State of California. The wording of welfare eligibility regulations at that time was such as to permit a variety of interpretations as to what constituted "Intent to reside."

It was the stated position of the Social Welfare Board that illegal and temporary aliens could not, by the very nature of their presence in the State of California, qualify for public assistance as residents. In the first instance, the alien was in this country illegally and, therefore, could not form an "intent to reside." In the second instance, the alien admitted to this country on a temporary basis had specified his place of domicile in a foreign country and could not by definition be considered a resident of the State of California. The Board further proposed that the State Department of Social Welfare require county welfare departments to establish relationships with local immigration offices for the purpose of verifying the immigration status of those applicants for public assistance identified as noncitizens, and who could not prove their admission to this country as an immigrant for purposes of permanent residency. An emergency regulation was adopted by the State Director of Social Welfare to be effective January 1, 1971, containing these essential elements.

The problem of illegal and temporarily admitted foreign nationals being supported by public assistance programs was highlighted by the Governor of the State of California in his welfare message on March 3, 1971. In response to this problem, the Legislature enacted a provision in the Welfare Reform Act of 1971 adding Section 11104 to the Welfare and Institutions Code which reads as follows:

> "Any alien who is otherwise qualified for aid shall be eligible to receive public assistance if he certifies under penalty of perjury that to the best of his knowledge, he is in the country legally and is entitled to remain indefinitely, or if he certifies that he is not under order for deportation, or if he certifies that he is married to an individual not under order for deportation.

"Such certification by the alien shall, upon receipt, be forwarded to the United States Immigration and Naturalization Service for verification. Aid shall continue pending such verification.

"If an alien has been residing in the United States continuously for five years or more at the time the county department requests certification of his legal right to reside, the affidavits of two United States citizens attesting to such continuous residence by the alien shall constitute a rebuttable presumption that the alien is entitled to be in the country for purposes of determining eligibility.

"If the alien subject to the provisions of this section is not fluent in English, it shall be the duty of the county department to provide an understandable explanation of the requirements of this section in a language in which the alien is fluent."

Regardless of interpretations made by some individuals, the Director of Social Welfare has responsibility for translating the provisions of statutes into regulatory form. These regulations are then binding on county welfare departments in their day-to-day operations. It is the interpretation of the Director of Social Welfare that Section 11104, read in conjunction with other appropriate sections, bars illegal aliens from public assistance eligibility. This interpretation is consistent with that of the Board and is supported by the Board. However, the Board believes the statutory language should be more specific as to the need for establishing the immigration status of every noncitizen applicant for public assistance.

<u>It is the position of the State Social Welfare Board that Section 11104 of the Welfare and Institutions Code should be amended to set forth a specific requirement that each noncitizen applicant for public assistance be screened</u>

through U. S. Immigration and Naturalization Service records to determine the applicant's alien status, and that each applicant be fully informed of this process.

Notwithstanding the amendment suggested above, the present statute should be immediately and effectively implemented throughout the state. Section 11104 of the Welfare and Institutions Code was added through legislation contained in the Welfare Reform Act of 1971. This act contained 84 provisions, most of which became effective October 1, 1971. The Board is aware of the monumental task performed by county government in implementing these several major changes. However, it is the viewpoint of the Board that a lack of appropriate emphasis on problems caused by illegal and temporary aliens has resulted in this new provision of law being accorded a relatively low priority for implementation by some counties. In spite of the fact that regulations have been promulgated by the Director of Social Welfare, some counties are simply holding Immigration Service inquiry forms instead of forwarding them to that agency as required by law and regulation.

It is the position of the State Social Welfare Board that pending amendments, the current provisions of Section 11104, Welfare and Institutions Code, should be promptly and effectively implemented by counties throughout the state.

When fully implemented and amended, as proposed, this new statute resolves only part of the problem. It does not address itself to the problem of an illegal or temporary alien marrying a United States citizen and fathering children who become United States citizens. It does not address itself to the presence of

these individuals on the growing federal food program rolls. It does not resolve the problem of the alien family crossing the border and the wife giving birth to a child at public expense in the United States who becomes an American citizen. This section was not intended to cope with the problem in which the mother and children receive public assistance in the State of California while the father remains in Mexico "periodically visiting" the family. Such circumstances could result in prosecution for welfare fraud based on the false statement that the parents of the aided children had separated. These cases, however, are difficult to detect and represent a challenge to welfare fraud investigators.

It is the position of the State Social Welfare Board that Congress should amend the Social Security Act and other statutes related to public assistance and other similar programs to bar from eligibility, those persons who are in the United States illegally or on a temporary basis.

It is the position of the State Social Welfare Board that state statutes providing the residency of a minor child to be that of his parents should be consistently enforced for welfare purposes, as well. Consequently, a child born of parents who are not residents of this state, by virtue of their being illegally or temporarily in this country, would not be deemed a resident of the State of California, but rather, a resident of the place of which the parents were legal residents.

As mentioned earlier, special immigration provisions have been made for those escaping the Castro regime in Cuba. Under the most recent provisions, the Act of November 1966, 135,823 refugees were admitted by 1970 and of these, 131,405 were Cuban Refugees. As distinguished from the immigrant who may enter the United States through various ports of entry, the Cuban Refugee is processed through a reception center in Miami, Florida.

The government established a special program to aid Cuban Refugees in need. The program is completely federally funded and the benefits equal those paid in each state. Before April 1969, Cuban Refugees were transferred to the state's regular categorical aid programs when they qualified on the basis of durational residency statutes. In April 1969, the State Department of Social Welfare issued regulations with federal approval to keep eligible Cuban Refugees on the federal program unless or until they acquired citizenship status. Counties were instructed to comb their categorical aid programs in order to identify eligible Cuban Refugees and transfer them to the federally funded program.

There are many dilemmas associated with the Cuban Refugee program. Administrators must depend on individual eligibility workers to identify Cuban Refugees during the application process. This is sometimes difficult because of language barriers and other factors. It does not make any difference to the refugee which program pays him. However, the Cuban Refugee program is 100 percent federally funded while other programs involve state and local funds. In the face of growing Cuban Refugee caseloads, states now find themselves facing a Congress which could, at any time, withdraw their funding, thus forcing this group, admitted under special federal action, onto categorical aid programs in which local and state governments have an investment. Following are California's Cuban Refugee program caseload figures for selected months:

July 1968	1,338 cases
July 1969	1,370 cases
January 1970	3,156 cases
January 1971	6,042 cases
November 1971	7,387 cases

It is the position of the State Social Welfare Board that Congress should continue to honor its financial commitment under the Cuban Refugee program until such time as it can be phased out with no expense to state and local governments.

In the administration of their local General Relief programs, usually used to aid those who do not qualify for categorical aid programs, counties should adopt a requirement that applicants' immigration status be determined. They should feel under no compulsion to pay General Relief to persons admitted to the United States on a temporary basis or those who are here illegally.

Immigrants in California

Another dimension of the alien problem in California is the presence and the impact of certain immigrants. In this context, the immigrant is defined as a person who is legally admitted to the United States for permanent residence, whether or not he has declared his intent to become a citizen. It is this group which makes up most of the 996,107 aliens who registered in California in January 1971.

Persons seeking admission to the United States as immigrants face certain restrictions. One of these is that they not become a public charge within five years of their admission "from causes not affirmatively shown to have arisen after entry." (Section 241(a)(8) Immigration and Naturalization Act) For purposes of this report, a person who is a public charge may be defined as one who avails himself of one or more of a variety of services (county hospitalization, county General Relief, etc.) and fails to pay the full cost of these services in those instances in which a charge is levied or a debt created by the use of such services. An immigrant may be subject to deportation by becoming a public charge within five years of entry.

Noncitizen immigrants represent about 5 percent of California's population. Many of these persons are long-time residents and have made substantial contributions to the economic, social and cultural enrichment of the state. Reference to immigrants in this section of the report is restricted to those who were admitted within the past five years and to future immigrants. The nature of their admission to the United States and their intention to become permanent residents places them in a different category from the illegal and temporary alien and for this reason, they are treated separately.

As is the case with illegal and temporary aliens, recent immigrants have an impact on a number of social programs and this subject will be treated elsewhere in this report. The unique problem created by the recent immigrants' use of public programs in the face of the requirement that he not become a public charge within five years of entry is the subject of this section.

In order to insure that persons admitted to the United States for permanent residence have some measure of economic stability, consular offices operated by the United States Department of State in foreign countries may require the signing of an Affidavit of Support. This document, signed by a responsible resident of the United States, is intended to guarantee that the immigrant will not become a public charge within five years if he is granted entry permission. Several factors make this process ineffective in its current operation.

A series of court decisions, notably in the States of Michigan and New York and more recently in San Diego County, held essentially that there was no basis in federal law for such a guarantee to the government. Further, in the view of the court, the particular document currently in use did not meet the test of a valid contract and created only a moral obligation. In effect, these decisions resulting in freeing from liability thousands of individuals and organizations acting as "sponsors" of newly admitted aliens.

A second complicating element is the fact that in the State of California the receipt of public assistance does not create a debt. Any individual who resides in this state and who meets the need test may apply for and receive public assistance without incurring an obligation to repay the aid at some future date.

There are two major exceptions to the foregoing. Hospitalization in a county medical facility and the receipt of county General Relief does create a debt. Each county is required by state law to have a General Relief program which is administered by the county board of supervisors and funded solely from county tax funds. Generally, this program is used to aid those persons who do not qualify for categorical aid programs (Aid to Families with Dependent Children, Old Age Security, etc.) and approximately 10 percent of these expenditures are used to supplement categorical aid benefits. In the fiscal year ending June 30, 1971, California counties aided an average of 9,004 family cases per month and an average of 49,501 one-person cases per month for an annual expenditure of $58,487,241 in local tax funds.

Secondly, the court decisions discussed above have no effect on the ability of the United States Immigration and Naturalization Service to require the posting of a bond by aliens at the border entry point. This practice is not mandatory nor is it followed in each case. However, there have been instances in California in which these bonds have been attached for purposes of reimbursing county medical facilities for care provided to newly-admitted aliens and in repaying a county for General Relief expenditures in appropriate cases. The amount of the bond is relatively small, but this process does represent a resource not commonly known to or used by administrators of local social programs.

It is the position of the State Social Welfare Board that the United States Immigration and Naturalization Service should broaden and make uniform its program of requiring the posting of bonds at border entry points by specific alien groups, and that counties should make more effective use of this resource as a means of reducing local expenditures for medical and General Relief programs. Further, that counties should also use this resource to offset

indebtedness created by categorical aid payments when legislation is enacted as proposed in position statement on page 31.

The procedure described above resolves only a small part of the problem. Additional action is needed to amend the form of the Affidavit of Support, in order to meet the court's concern, and to establish a public policy which provides that receipt of public assistance creates an obligation on the part of the recipient.

The presence of noncitizens in California's public assistance rolls is difficult to document and it is even more difficult to make distinctions between the various classes of immigrants. Noncitizens who are residents of this state have traditionally been eligible for public assistance and, as a consequence, with the exception of special studies, data on the immigration status of these recipients has not been maintained in a formalized manner.

The most recent information available from the State Department of Social Welfare showed the noncitizen proportion of the Old Age Security program was 7.1 percent in June 1964; 7.4 percent in the Aid to the Totally Disabled program in August 1962; and 5.3 percent in the Aid to Families with Dependent Children (Family Group) and 8.9 percent of the AFDC (Unemployed Parent) caseload in September 1969. This data includes all noncitizens, regardless of their length of residence in the United States and the nature of their immigration status. The percentages are significant, however, in that they indicate a higher representation of noncitizens in public assistance rolls than in the general population. The proportions mentioned above are based on studies made from three to ten years ago, and in each caseload the incidence of noncitizens exceeded 5 percent. The noncitizen population in California (excluding illegal aliens) has grown each year since passage of the Alien Registration Act, but even at its most recent and highest point the

noncitizen population is still slightly less than 5 percent of the general population in California.

Another special study provides some insight into the problem of noncitizens on public assistance. During the time state public assistance programs with durational residency statutes were operating under a Supreme Court injunction suspending these statutes, the states were required to report the effect of this action to the United States Department of Health, Education, and Welfare. Since the court eventually voided these statutes, the periodic report is no longer required and current data is not available. However, a review of the data during the most recent twelve-month test period (December 1, 1968, through November 30, 1969) reveals not only the countries from which these noncitizens came, but the spread of persons who formerly resided in other countries among the categorical aid programs as compared to those who formerly resided in other states.

During the twelve-month period shown above, 18,246 cases were added to California's welfare rolls as a result of the suspension of the durational residency statutes. Most of these cases would have been added at some future date when the individuals had met the state's durational residency requirement. However, of this group, 2,653 cases were added in which the individuals resided in a foreign country before coming to California. Appendix 1 summarizes the country of origin of each of these cases. A comparison of the aid program attachments provides some interesting insights. The first table shows the aid program attachments of cases added during the test period where the former residence was in another state. The second table shows the aid program attachment of only those cases where the individual/family resided outside the United States before coming to California.

Cases Added Where Former Residence in Another State

Total	OAS	ATD	AFDC-FG	AFDC-U
15,593 (100%)	5,135 (33%)	1,911 (12%)	6,360 (41%)	2,187 (14%)

Cases Added Where Former Residence Outside United States

Total	OAS	ATD	AFDC-FG	AFDC-U
2,653 (100%) / 18,246	1,177 (67%) / 6,906	203 (8%) / 2,114	439 (15%) / 6,799	240 (10%) / 2,427

Of the 6,906 cases added to the Old Age Security program during this twelve-month period, 4,779 (70 percent) had adult children living in the State of California. It can be assumed that an even greater number of those persons coming from outside the United States have relatives or friends in this country, and that this factor represents substantial motivation in their decision to seek admission to the United States.

It is the view of the Board that there exists a basic conflict in federal statutes and the administration of these statutes by the United States Department of Justice and the United States Department of Health, Education, and Welfare. One branch of government has responsibility for controlling the influx of persons from other countries and attempts to insure that those who are admitted have arranged for their economic security and do not become public charges during the first five years following their admission. The other branch of federal government administers welfare statutes which provide a fiscal incentive and immediate public assistance eligibility for those who come to the United States from foreign countries.

It is the position of the State Social Welfare Board that public assistance eligibility should be reserved for citizens of the United States, as well as immigrants who have been accepted for permanent residence and have resided in the United States for five years or longer and that conflicts in federal law

and the administration of these statutes should be resolved to reflect this policy, and further to preserve the rights of states to require that applicants and recipients establish residency in the state.

The above position suggests that some means must be developed to insure that the needs of immigrants within the first five years of admission to the United States are met by some source other than tax-supported programs. This can be accomplished by strengthening and amending the procedure under which United States Consular Offices obtain affidavits of support in connection with applications for admission to this country. The concept that individuals and organizations who "sponsor" the admission of an immigrant to this country are liable for meeting his needs during the first five years, should be supported. Counties should feel under no compulsion to aid these persons through their General Relief programs.

Two actions can be taken in support of the concept expressed above. First, it is suggested that the form of the "Affidavit of Support" should be amended so as to satisfy the concerns expressed by the courts. This can be accomplished by changing nature of the guarantee so it meets the test of a third-party beneficiary contract. Federal authorities, in effect, negotiate a contract with the "sponsor" to guarantee that the needs of the immigrant (the third party) are met during the first five years after admission. Second, the process of providing for this type of guarantee should be utilized in every case of an individual applying for admission to the United States for permanent residence. When such agreements are signed by fiscally responsible persons and organizations in this country, the newly-admitted immigrant will be able to turn to the sponsor for assistance instead of to publicly-supported programs.

It is the position of the State Social Welfare Board that the needs of all permanent immigrants during the first five years should be met by a responsible resident of the United States. This sponsor must sign an affidavit of support modified to meet the test of a third-party beneficiary contract.

California does not need to await federal action suggested above in order to help reduce the impact of recently-admitted immigrants on public assistance programs. Present federal welfare statutes do not bar noncitizens from eligibility. However, present immigration statutes do have restrictions with possibility of deportation action against the immigrant who becomes a public charge within five years of entry and these statutes are not generally affected by the court decisions related to the affidavit of support procedure. The major factor which prevents immigration authorities from acting on these cases in California is that in this state, the receipt of public assistance does not create a debt (except in connection with General Relief and county medical care), and consequently, the newly-admitted immigrant-recipient cannot be considered a public charge.

The Board has repeatedly proposed state legislation which would create a debt for receipt of public assistance to be secured by imposition of liens against real property holdings of recipients. The debt would be satisfied through cash repayment or from estates of the surviving spouses of welfare recipients. In past years when legislation has been introduced, it has been attacked on the basis that the cost of administering such a program would exceed the reimbursement. The Board suggests this is not a valid argument since the process is relatively simple and inexpensive compared to the recovery. This position is supported by the fact that 29 states, including New York, Illinois, New Jersey and Pennsylvania, have lien laws or the statutory authority to file estate

claims (U. S. Department of Health, Education, and Welfare, Public Assistance Report #50, 1970 Edition, "Characteristics of State Public Assistance Plans Under the Social Security Act"). Based upon the experience of several states, the cost of administering such a recovery program varies from 2 percent to 10 percent of the amounts recovered. Enactment of a similar law by the California Legislature (and by the U. S. Congress in connection with federal administration of adult programs) would create a debt for receipt of public assistance so that immigration statutes on "public charges" could be applied. Further, it would resolve the current dilemma which occurs when an individual is supported for substantial periods during his lifetime by tax-supported programs and relatives divide the assets in the estate of the surviving spouse without any recovery of public assistance payments possible.

It is the position of the State Social Welfare Board that legislation should be enacted by the California State Legislature and the United States Congress under which the receipt of public assistance payments and/or medical assistance creates a debt recoverable through cash reimbursement or lien against real property satisfied on the death of the surviving spouse.

Medical Care and the Illegal/Temporary Alien and Recent Immigrants

More subtle but nonetheless closely related to his impact on public assistance programs, is the effect of the illegal alien, temporary alien and the recent immigrant on publicly-supported medical care programs. As a recipient of public assistance, these persons qualify for free medical care. However, the cost impact is not restricted to welfare-related payment for medical services.

The most obvious way in which public medical services are used is by those who cross the border with deliberate intent to avail themselves of this service. Frequently this problem manifests itself in the form of women with near-term pregnancies who present themselves at county medical facilities. This practice is particularly acute in those counties adjacent to the Mexican border and is used by persons who either enter the United States illegally or on a temporary basis. The child, born in the United States, is a citizen which further complicates the work of authorities in enforcing the immigration statutes and adhering to the numerical quota of legal immigrants into this country.

Following are some examples of ways in which tax-supported medical and related programs are abused as a result of alien smuggling into the United States and the presence of illegal, temporary aliens and recent immigrants. These cases serve only as illustrations. An investigation conducted to document the exact extent to which these programs are used by such groups would yield hundreds of less dramatic but equally costly examples:

- A male Mexican alien was injured in an auto accident (uninsured) on May 1, 1972, while riding with other illegal aliens in a Central California county. He required and received medical services costing $76,000. This county estimated that 27 illegal aliens treated this year cost the county $104,340.

- A female Mexican alien admitted on September 19, 1971, was admitted to a county medical facility on the same date and within a matter of days had received services valued at $4,679.55.

- Four applicants at an Arizona port of entry during June 1971 were seeking admission to obtain medical benefits. One alleged need for hospitalization for excessive use of benzedrine and another because of heroin addiction. The third was seeking treatment for polio and the fourth sought admission for removal of a brain tumor. None of the applicants had funds.

- On September 22, 1971, a female transporting 11 deportable aliens was involved in an accident near Hemet attempting to avoid Border Patrol agents. The woman and three of the aliens required hospitalization.

- On August 10, 1971, a pickup truck transporting at least eight deportable aliens was involved in a single vehicle accident. One of the aliens was found dead at the scene.

- On July 7, 1971, two aliens were found beside the road near Morgan Hill, California. One was dead from suffocation in the trunk of the smuggler's car which had contained six aliens. The other recovered following hospitalization.

- On May 11, 1971, a pickup truck transporting 11 aliens was involved in a single vehicle accident on the San Diego Freeway in Los Angeles County. Three of the aliens died and four others required extensive hospitalization.

- On June 4, 1970, a truck transporting 15 deportable aliens was involved in a single vehicle accident near Guatay which resulted in the deaths of five aliens and extensive hospitalization of six aliens.

- In 1971 an alien student was admitted to a small northern medical facility following a single vehicle (uninsured) accident. He received services valued in excess of $10,000.

The Board sought to determine in an informal manner the impact on local medical programs of cases similar to the above, as well as the more frequent and routine, but nonetheless expensive, cases. Eighteen public medical facilities were contacted and asked to complete an inquiry form. In spite of follow-up letters, only 14 of the hospitals responded. Of those that responded, only half were able to provide answers to the questions from either record information or estimates. A summary of the estimates developed from this informal study is shown in Appendix 2. It illustrates, at least to some extent, the fiscal impact on local medical facilities caused by illegal and temporary aliens, as well as recently-admitted immigrants.

The State Department of Mental Hygiene does maintain statistical data reflecting the number of aliens resident in hospitals for the mentally ill and the mentally retarded, as well as the number of alien admissions. During the fiscal year 1970-71, there were 674 admissions of aliens to California state hospitals for the mentally ill. As of October 13, 1971, there were 299 aliens resident in hospitals for the mentally ill and 120 aliens resident in hospitals for the mentally retarded. The average per capita cost of care in a California state hospital is approximately $26 per day. It should be noted, however, that records are not kept in a manner as to identify the various classes of aliens in the hospital. It is also true that the total number of patients resident in state hospitals in November 1971 (9,826) is only a small part of those receiving mental health services in California.

Counties operate local mental health programs which receive 90 percent state funding and 10 percent county funding. According to the State Department of Mental Hygiene, the total number of persons being served by local programs during fiscal 1970-71 is as follows.

Summary of Episodes (Beginning population plus admissions)
Fiscal Year 1970-71
California Local Mental Health Services

County Inpatients	44,647	@ $55.50 per day
County Outpatients	285,872	@ 20.53 per day
Partial Hospitalization and Rehabilitation	21,518	@ 16.92 per day

Records are not maintained with respect to the alien status of these individuals. However, it is reasonable to assume that illegal aliens, temporary aliens and recent immigrants are represented in these caseloads at a level at least equal to their representation in the general population. Such being the case, the size and cost of this program would result in a significant fiscal impact in providing these mental health services to the various classes of aliens mentioned above.

The very basic information developed on this subject indicates that illegal and temporary aliens, as well as recent immigrants, represent a potential for sizeable impact on state and local tax-supported programs. Generally, these programs make a charge for their services. This charge, unless fully paid, can result in a finding that the immigrant who has been in this country less than five years is a public charge and may be subject to deportation. Immigration authorities are responsible for administering federal statutes which reflect the public policy. They are trying to do an effective job, but are severely hampered by lack of knowledge and understanding among officials at the federal, state and county levels. Many statutes and regulations at all levels of government are seemingly in conflict. They are further hampered by the failure of local and state jurisdictions to maintain adequate records and to communicate effectively

with immigration authorities on these problems. An overly-protective attitude on the part of program administrators is contrary to the letter and intent of law and can only result in continued abuse of these programs at the expense of the general public whose taxes support the programs.

It is the position of the State Social Welfare Board that local and state public agencies should review the statutes under which they function, as well as their regulations, policies and data collection programs to insure that they are consistent with the letter and intent of the immigration statutes and that a system of effective communication and liaison is established with immigration authorities.

It is the position of the State Social Welfare Board that the United States Department of State should negotiate reciprocal treaties with foreign governments to provide for reimbursement of the costs of emergency care, hospitalization and the prompt transfer of visitors and illegal aliens who may be citizens of their country.

The Alien and Public Education

Higher education in the State of California, and in other parts of the country is in a state of crisis. Facilities are overcrowded, enrollments are skyrocketing and each year students find it more difficult to gain admission to college and university campuses of their choice. Annual requests for budget increases by public educational facilities are being met by diminishing confidence on the part of the taxpayer and general disenchantment with institutions of higher education over the past few years.

In the face of this educational crunch, it is paradoxical that there are 24,443 foreign students attending California's institutions of higher education. The most recent report of the Institute of International Education, significantly titled, "Open Doors 1971" indicates that there are 14,921 foreign undergraduates, 9,143 foreign graduate students and 379 other foreign students studying in California facilities during the fiscal year 1970. In addition, there were 1,777 foreign scholars visiting California colleges and universitites as compared to 675 California faculty members abroad.

The number of foreign students studying in California represents 16.9% of all the foreign students in the United States (144,708). By comparison, New York has 12% (17,294) of the total. It is obvious that if California's 24,443 foreign students were concentrated at one institution, they would comprise a group comparable in size to the student body of one of the major campuses of the University of California. However, the foreign students are spread over 190 campuses in various kinds of educational settings, most of which are tax-supported, such as state universities, state colleges or community colleges.

Those California Educational institutions reporting more than 500 foreign students enrolled during the fiscal year 1970-71 are as follows:

	Foreign Students	Total Enrollments	% of Enrollment
University of California, Berkeley	3,053	28,525	10.7
University of California, Los Angeles	2,214	29,093	7.6
University of Southern California	1,319	20,593	6.4
Stanford University	1,141	11,599	9.8
California State University, Long Beach	1,091	26,239	4.2
Woodbury College	897	2,261	39.7
University of California, Davis	828	13,362	6.2
California State University, San Francisco	723	6,830	10.6
California State University, San Jose	620	24,574	2.5
California State University, Fresno	503	13,647	3.7

The intricacies of educational financing virtually preclude determining an average per capita cost of education which includes all cost elements related to the educational process. University officials estimate the average cost of instruction at the University of California during 1970-71 was $1,830 per academic year. All undergraduate students of the University of California pay an aggregate fee of $600 per annum and graduate students pay $660. Students who are not residents of the State of California for tuition purposes pay an additional fee of $1,500 per academic year. Although the total of these non-resident fees exceed the estimated per capita cost of instruction of $1,830, the latter figure does not include many indirect education costs and some administrative costs. Significantly, these figures also do not speak to the need for added space within which to educate the over 7,000 foreign students in the University of California system alone with the related shortage of space for resident students.

It is the position of the State Social Welfare Board that California public educational institutions should establish a priority for admission, giving first priority to students who are residents of this state, second priority to out-of-state students and third priority to foreign students who should demonstrate academic proficiency consistent with the institution's normal standards.

Related to the above issue, the California courts recently affirmed action by the state college Board of Trustees which had the effect of raising the fees paid by foreign students. The decision grew out of a class action filed by five foreign students on behalf of 4,300 others at 19 campuses seeking to overturn the increase. Early in these proceedings, the Judge of the Superior Court in Los Angeles County, in upholding the action of the trustees, indicated that the new fee schedule was consistent with that paid by out-of-state students. He also cited testimony that it costs the state college $1,500 annually to educate an American student and $2,400 annually for foreign students who require special counseling and academic programs.

Using the University of California cost estimates as an illustration, it may appear, at least in this instance, that students are paying a substantial part, if not all, of their educational costs. However, the source of funds used by students for their support, as reported in "Open Doors 1971" provides some insights into indirect means that these costs are felt by the tax-paying public. Sources of support for the 144,708 foreign students reported in United States institutions during 1970-71 were divided as follows:

U. S. Institutions	16.3%
U. S. Government	3.1
U. S. Institution and Private Organization	.5
U. S. Government and U. S. Institution	.8
U. S. Institution and Foreign Government	.5
U. S. Government and Private Organization	.2
Self-Support	36.6%
Private Organization	5.6
Foreign Government	3.7
Foreign Government and Private Organization	.2
Support Source Not Known	32.4%

It is the position of the State Social Welfare Board that the United States Government and tax-supported institutions should withdraw their financial participation in supporting foreign students studying in this country.

Immigration and Naturalization Service reports indicate that the number of foreign students and their spouses and children admitted to this country increased by more than 50% between 1967 and 1970.

	1967	1970
Foreign Students Admitted	63,370	98,179
Spouses and Children	5,867	9,091
Total	69,237	107,270

The admission of foreign students and their families to the United States do not necessarily represent short-term admissions. Substantially, the only requirement for entry into the United States is that the foreign student be accepted by the institution he will attend. He and his family are entitled to remain throughout his undergraduate years, his graduate years and, in appropriate cases, for doctoral studies. Following this, he is entitled to remain six months for practical experience and this term can be renewed twice. It is possible, therefore, for the foreign student and his family to remain in this country for over nine years.

The impact on public programs and the economy resulting from the extended stay of foreign students and their families is real but virtually impossible to document. One way in which at least part of this problem is felt is in educating the children of noncitizens without immigration status. These figures are reported by local school districts to the county superintendents of schools. Although not all California counties have noncitizen-nonimmigrant children in their school system, this factor can be illustrated by the fact that recently there were 148 such children in San Bernardino County, 800 in Orange County and 3,700 in Los Angeles County. It is suggested that substantial numbers of these students are children of foreign students in higher educational institutions.

Another way in which foreign students and their families have an impact on the economy is by seeking and obtaining employment. Generally, jobs are obtained near educational institutions where employment opportunities are usually quite limited for all students. Immigration regulations require that a foreign student obtain permission of that agency before obtaining employment. Immigration officials are reluctant to grant such permission; however, the readily obtainable social security card is the "passport" to employment and staff shortages prevent close follow-up on student aliens. It is evident that many have taken advantage of this resource, at the expense of local residents and other students seeking employment, without having obtained the necessary approval.

<u>It is the position of the State Social Welfare Board that the State Department of Education, in cooperation with the Immigration and Naturalization Service, should develop a process by which fees are charged for educational services</u>

provided in local school districts to noncitizen-nonimmigrant children and these children be excluded from admission to this country unless these fees are prepaid each year by the sponsoring agency or foreign government.

It is the position of the State Social Welfare Board that the United States Department of State should insure that foreign students admitted to educational institutions in the United States should have adequate outside provision for their support and maintenance and immigration laws should be amended to bar these students and their spouses from obtaining employment of any kind.

In the Illinois State Legislative Investigating Commission's report of October 1, 1971, the central theme is that the problem of the illegal/temporary alien is one of economics. The Board supports this viewpoint. Invariably, the alien enters the United States illegally or having been admitted legally, overstays his leave, for the purpose of availing himself of greater employment opportunities in California and other states and higher earnings. To a lesser extent, these individuals seek connection with medical and social programs in this state.

There is, of course, no available data on how many illegal aliens are employed in California. A member of the California Legislature, in testimony before the Subcommittee on Immigration and Naturalization of the Committee of the Judiciary of the United States House of Representatives (June 21, 1971) cited estimates from the California State Department of Industrial Relations that 200,000 illegal aliens were employed in California. This was at a time when California's rate of unemployment was appoaching 7.4%, the highest since 1958, and above the national average. What this means in terms of the alien is long hours of work, for less than the normal pay rate, unsatisfactory working conditions, extortion of money by the smuggler or other forms of extortion by the employer. What this means to the Californian is displacement of resident workers with the resulting increases in public assistance rolls, unemployment insurance, medical costs, etc. Since there are no federal statutory provisions against hiring illegal aliens (or state prohibitions, at that time), what this meant to some employers was cheap labor and people who would work long hours without complaint.

While the characteristics information on illegal alien deportees developed by the Board in connection with this study related to a small sample, a broader perspective is contained in the following information from the Immigration and Naturalization Service. This indicates the number of illegal aliens apprehended for a six-month period in 1971 and the number who were employed or seeking:

Month	Apprehended	Employed	Seeking Employment
August 1971	1,718	695	89
July	1,593	817	41
June	1,694	616	30
May	1,986	787	97
April	1,275	423	23
March	1,365	555	64

In the face of silent federal statutes on an issue which is clearly a federal responsibility, it is doubtful that any one state or combination of states can solve the problem of employers hiring illegal and temporary aliens who have overstayed their leave. California made an attempt through the enactment of Assembly Bill 528 (1971 legislative session) which provided for criminal penalties on employers who knowingly hire illegal aliens when it could be proved the hiring had a harmful effect on lawful resident workers. A similar law is being proposed in the State of Illinois. Shortly after the statute became effective, it was overturned in a court action which held essentially that the language was vague. It can readily be seen that even California's valiant efforts to bar illegal and temporary aliens from eligibility for public assistance will have little effect if these individuals are able to obtain employment displacing a California resident and forcing that family on welfare.

There have been a number of court actions around the question of employment of illegal aliens and, in some instances, the court felt compelled to speak out on the conflicts in the federal system. In one case, Alberto Diaz and Epitacio Rios et al v. Kay-Dix Ranch et al, the Third District Court of Appeal said:

> (increased capabilities by the Immigration Service) "could generate a national profit, a profit consisting of a reduction in social welfare and law enforcement expenditures at all levels of government, augmentation in domestic farm workers' earnings and a gain in human values." (page 16)
>
> "Officially oblivious to the utterly obvious, the Social Security Administration issues cards and account numbers to illegal entrants with no inquiry as to alienage or immigration status. In a continuing display of incredible insularity, one agency of the federal government puts its foot in a door which another agency is striving vainly to close." (page 17)

As stated earlier, the social security card is the passport to employment in the world outside government. The Secretary of the United States Department of Health, Education, and Welfare wrote on October 14, 1971, "The Social Security Administration has emphasized consistently that the social security card is not a work permit,...." On January 4, 1971, the commissioner of the Social Security Administration wrote, "The social security card is not to be used for identification (as evidenced by the legend printed on the face of the card, "for social security purposes - not for itentification)...." In the

face of this is the reality that social security numbers must be reported to employers; that social security numbers must be reported to banks; that social security numbers must be entered on income tax forms filed with the Internal Revenue Service and for other purposes. One major health insurance company uses the social security number as the insured's membership number and there are other instances, such as in the Unemployment and Disability Insurance program, in which the social security number is used as the key to data retrieval.

The fact is that an employer must have his employees' social security number so that taxes withheld from earnings can be credited to the account of the proper wage earner. This document, issued by a federal agency is generally considered as a license to work. Valid social security cards are so readily available to illegal aliens that there is very little market for forged cards supplied by smugglers.

Section 137 of Public Law 92-603 contains provisions which represent the early first steps by federal authorities in recognizing and attempting to cope with the dilemma related to the issuance of social security account numbers. The Board is gratified by this initial effort and hopes it is the beginning of a general tightening up in the administration of certain aspects of the Social Security system.

The Board is deeply concerned about some basic conflicts which exist in federal statutes, regulations and policies administered by the United States Departments of Justice; Health, Education, and Welfare; Labor and Agriculture. The failure of the executive and legislative branches of federal government to jointly cope with the problems set forth in this report, particularly with respect to employment of illegal aliens, has resulted in a significant and long-standing waste of federal, state and local fiscal resources. The under-

staffed Immigration and Naturalization Service of the Department of Justice is strained to guard all borders of the United States in the face of the financial incentives to illegal entrants available as a result of the silence of other executive departments and the Congress on these issues.

Another example of conflict in federal law can be found in the Talmadge Amendments to the Social Security Act recently implemented in California. Under these provisions, employable AFDC recipients must be referred to the State Department of Human Resources Development for employment, manpower services and training. There is no exemption for those not legally qualified to accept employment (such as various classes of aliens). On the other hand, the Wagner-Payser Act (June 6, 1933) contains specific language that such services shall be provided to those who are "legally qualified to engage in gainful occupations...."

It is the position of the State Social Welfare Board that the United States Department of Health, Education, and Welfare, in concert with other appropriate executive departments and the legislative branch, should develop a different form of social security identification which would not be available to illegal and temporary entrants; would be difficult to forge; and, the issuance of which would be predicated on positive identification and consistent with the provisions of Title 29, Section 49, 3(a) of the U. S. Code.

It is the position of the State Social Welfare Board that federal legislation should be enacted which would contain wording prohibiting the hiring of illegal aliens and provide for penalties to be levied against those employers convicted of violations. Further, that workers imported for a particular agricultural harvest be admitted under more carefully controlled circumstances with frequent renewal of authorization. (Reference is made to H.R. 14831, 92nd Congress, 2nd Session which recently failed to pass.)

On a closely-related issue, the Board has heard testimony from growers that they could not depend solely on domestic workers to harvest their crops. As farm operations have become more mechanized in recent years, California has experienced a diminishing need for farm workers in harvests and a consequent increase in the availability of persons able and trained to do this type of work. However, it is recognized that in some circumstances growers might face a shortage of available individuals at a particular time. In the Board's view, this is not adequate justification for hiring illegal entrants. There is a provision in Immigration Law, Section 101 (a) (15) (H) which provides that:

> "an alien having a residence in a foreign country which he has no intention of abandoning....(ii) who is coming temporarily to the United States to perform temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country...."

This provision and the Federal regulation which implements the law is intended to assist in emergency and temporary circumstances mentioned above. However, the procedure for obtaining assistance under this section is time-consuming and involved requiring advance notice by the prospective employer, certification by the United States Department of Labor and issuing of visas before the worker is admitted. The Board supports the proposition that California growers should depend on domestic workers, but should be safeguarded in temporary emergencies by improved and more efficient access to foreign workers under the above section of Immigration Law.

It is the position of the State Social Welfare Board that the procedures for obtaining temporary and emergency farm help under Section 101 (a) (15) (H) (ii) of the Immigration and Naturalization Act should be improved so that assistance may be provided on a timely and temporary basis provided that domestic workers are, in fact, not available.

SUMMARY OF POSITIONS

1. It is the position of the State Social Welfare Board that Section 11104 of the Welfare and Institutions Code should be amended to set forth a specific requirement that each noncitizen applicant for public assistance be screened through U. S. Immigration and Naturalization Service records to determine the applicant's alien status, and that each applicant be fully informed of this process. (Page 18)

2. It is the position of the State Social Welfare Board that pending amendments, the current provisions of Section 11104, Welfare and Institutions Code, should be promptly and effectively implemented in a uniform manner by counties throughout the state. (Page 19)

3. It is the position of the State Social Welfare Board that Congress should amend the Social Security Act and other statutes related to public assistance and other similar programs to bar from eligibility, those persons who are in the United States illegally or on a temporary basis. (Page 20)

4. It is the position of the State Social Welfare Board that state statutes providing the residency of a minor child to be that of his parents should be consistently enforced for welfare purposes, as well. Consequently, a child born of parents who are not residents of this state, by virtue of their being illegally or temporarily in this country, would not be deemed a resident of the State of California, but rather, a resident of the place of which the parents were legal residents. (Page 20)

5. It is the position of the State Social Welfare Board that Congress should continue to honor its financial commitment under the Cuban Refugee program until such time as it can be phased out with no expense to state and local governments. (Page 22)

6. It is the position of the State Social Welfare Board that the United States Immigration and Naturalization Service should broaden and make uniform its program of requiring the posting of bonds at border entry points by specific alien groups, and that counties should make more effective use of this resource as a means of reducing local expenditures for medical and General Relief programs. Further, that counties should also use this resource to offset indebtedness created by categorical aid payments when legislation is enacted as proposed in position statement on page 31. (Page 25)

7. It is the position of the State Social Welfare Board that public assistance eligibility should be reserved for citizens of the United States, as well as immigrants who have been accepted for permanent residence and have resided in the United States for five years or longer and that conflicts in federal law and the administration of these statutes should be resolved to reflect this policy, and further to preserve the rights of states to require that applicants and recipients establish residency in the state. (Page 28)

8. It is the position of the State Social Welfare Board that the needs of all permanent immigrants during the first five years should be met by a responsible resident of the United States. This sponsor must sign an affidavit of support modified to meet the test of a third-party beneficiary contract. (Page 30)

9. It is the position of the State Social Welfare Board that legislation should be enacted by the California State Legislature and the United States Congress under which the receipt of public assistance payments and/or medical assistance creates a debt recoverable through cash reimbursement or lien against real property satisfied on the death of the surviving spouse. (Page 31)

10. It is the position of the State Social Welfare Board that local and state public agencies should review the statutes under which they function, as well as their regulations, policies and data collection programs to insure that they are consistent with the letter and intent of the immigration statutes and that a system of effective communication and liaison is established with immigration authorities. (Page 36)

11. It is the position of the State Social Welfare Board that the United States Department of State should negotiate reciprocal treaties with foreign governments to provide for reimbursement of the costs of emergency care, hospitalization and the prompt transfer of visitors and illegal aliens who may be citizens of their country. (Page 36)

12. It is the position of the State Social Welfare Board that California public educational institutions should establish a priority for admission, giving first priority to students who are residents of this state, second priority to out-of-state students and third priority to foreign students who should demonstrate academic proficiency consistent with the institution's normal standards. (Page 39)

13. It is the position of the State Social Welfare Board that the United States Government and tax-supported institutions should withdraw their financial participation in supporting foreign students studying in this country. (Page 40)

14. It is the position of the State Social Welfare Board that the State Department of Education, in cooperation with the Immigration and Naturalization Service, should develop a process by which fees are charged for educational services provided in local school districts to noncitizen-nonimmigrant children and these children be excluded from admission to this country unless these fees are prepaid each year by the sponsoring agency or foreign government. (Page 41)

15. It is the position of the State Social Welfare Board that the United States Department of State should insure that foreign students admitted to educational institutions in the United States should have adequate outside provision for their support and maintenance and immigration laws should be amended to bar these students and their spouses from obtaining employment of any kind. (Page 42)

16. It is the position of the State Social Welfare Board that the United States Department of Health, Education, and Welfare, in concert with other appropriate executive departments and the legislative branch, should develop a different

form of social security identification which would not be available to illegal and temporary entrants; would be difficult to forge; and, the issuance of which would be predicated on positive identification and consistent with the provisions of Title 29, Section 49, 3(a) of the U. S. Code. (Page 47)

17. It is the position of the State Social Welfare Board that federal legislation should be enacted which would contain wording prohibiting the hiring of illegal aliens and provide for penalties to be levied against those employers convicted of violations. Further, that workers imported for a particular agricultural harvest be admitted under more carefully controlled circumstances with frequent renewal of authorization. (Reference is made to H.R. 14831, 92nd Congress, 2nd Session which recently failed to pass.) (Page 47)

18. It is the position of the State Social Welfare Board that the procedures for obtaining temporary and emergency farm help under Section 101 (a) (15) (H) (ii) of the Immigration and Naturalization Act should be improved so that assistance may be provided on a timely and temporary basis provided that domestic workers are, in fact, not available. (Page 49)

Summary*
Place Where Added Cases Lived Before Coming to California
(Outside United States)
December 1968 through November 1969

American Samoa	15	Iraq	2
Argentina	29	Israel	11
Armenia	2	Italy	22
Australia	9	Jamaica	7
Austria	1	Japan	15
Azores Island	33	Jordan	13
Bolivia	3	Lebanon	19
Belgium	2	Lithuania	1
Brazil	6	Mexico	535
British Honduras	2	Morocco	1
British W. Indies	1	Netherlands	1
Bulgaria	11	New Zealand	2
Canada	55	Nicaragua	13
Canal Zone	1	Norway	2
Ceylon	1	Philippine Islands	72
Chile	8	Panama	9
China	330	Paraguay	1
Columbia	23	Peru	11
Costa Rica	17	Poland	6
Cuba	682	Portugal	46
Czechoslovakia	9	Puerto Rico	63
Denmark	4	Rumania	17
Dominican Republic	1	Russia	16
Egypt	30	Samoa	31
Ecuador	9	Scotland	6
England	39	South Africa	2
El Salvador	27	Spain	44
Fiji	2	Sweden	2
Formosa	3	Syria	56
France	10	Tahiti	1
Germany	19	Thailand	1
Greece	19	Trinidad	2
Guam	18	Tunisia	2
Guatemala	20	Turkey	20
Haiti	1	Uruguay	3
Holland	4	Venezuela	6
Honduras	13	Viet Nam	1
Hong Kong	41	Virgin Islands	2
Hungary	11	Wales	1
Indonesia	4	Yugoslavia	9
India	2		
Ireland	5	TOTAL	2,653
Iran	13		

* Minor reporting errors may be involved in this table. For example, in the separate categories for China and Formosa, as well as American Samoa and Samoa.

STATE SOCIAL WELFARE BOARD
Summary of Data
Impact of Aliens on Seven Southern California Medical Facilities
(Estimates)

Question	Hospital 1	2	3	4	5	6	7
1. Annual Operating Budget	$120,000,000	$3,418,000	$14,499,611	$4,700,000	$1,051,000	$11,500,000	$3,970,000
2. Estimate % of budget needed to serve aliens	1%	10%	6%	6%	10%	13%	20%
3. Of aliens served last year, estimate percentage in each category:							
a. Illegal aliens	45%	5%	7%	16%	15%	4%	15%
b. Temporary aliens	5%	5%	43%	14%	63%	7%	50%
c. Students	--	15%	1%	0	--	5%	0
d. Immigrants - within five years	20%	15%	48%	45%	21%	9%	25%
e. Permanent immigrants	30%	60%	--	25%	1%	75%	10%
4. By assigning a percentage to each category, indicate how costs of health care were paid:							
a. Patient or spouse	--	10%	Unknown	28%	5%	8%	10%
b. Responsible relative	--	2%	Unknown	8%	1%	6%	0
c. Private insurance	5%	18%	Unknown	4%	1%	12%	0
d. Medi-Cal/Care	5%	50%	Unknown	4%	--	43%	5%
e. Other public program	90%	0	Unknown	0	1%	3%	0
f. Unpaid	--	20%	Unknown	52%	92%	28%	85%