

Ronald Reagan Presidential Library  
Digital Library Collections

---

This is a PDF of a folder from our textual collections.

---

**Collection:** Anderson, Martin: Files  
**Folder Title:** Immigration and Refugee Policy,  
President's Task Force on (2)  
**Box:** 19

---

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: [reagan.library@nara.gov](mailto:reagan.library@nara.gov)

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>



Office of the Attorney General  
Washington, D. C. 20530

May 19, 1981

*file*  
MAY 20 REC'D

MEMORANDUM FOR: The Secretary of State  
The Secretary of Defense  
The Secretary of Education  
The Secretary of Labor  
The Secretary of Health and Human Services  
The Secretary of Transportation  
The Secretary of the Treasury  
The Director, Office of Management and  
Budget  
The Director, Federal Emergency  
Management Agency  
The Deputy Assistant to the President

FROM: David Hiller, *David Hiller*  
Special Assistant to  
the Attorney General

SUBJECT: Meeting of the President's Task Force on  
Immigration and Refugee Policy, Thursday,  
~~May 21, 1981, 10:00 a.m., Office of the~~  
Attorney General

A meeting of the Cabinet members of the President's Task Force on Immigration and Refugee Policy has been scheduled for Thursday, May 21, 1981 at 10:00 a.m. in the Attorney General's Conference Room, Room 5111, Department of Justice. There are attached the component parts of a final draft report to the President, if not precisely in the format in which the report will be submitted. The meeting on Thursday will address the four illegal immigration options of Part II.

I would be grateful if any comments would be submitted in writing by 6:00 p.m. on Friday, May 22. It is expected that the report will be submitted to the President on Monday, May 25.

## I. Immigrant and Refugee Admissions.

### A. Introduction.

Illegal immigration has caused impatience in Congress and the public with all migration into the United States. These concerns have been heightened by the arrival in recent years of large numbers of Indochinese refugees and by the fiasco of the Cuban boatlift of 1980. Total admissions in 1980, including the Cubans and refugees, exceeded 800,000, nearly double the annual average during the past decade. A Roper Poll in June, 1980 indicated that 80% of the public favored reducing the number of legal immigrants who can enter the U.S. each year, and legislation has been proposed aimed at curbing both legal immigration and the admission of refugees.

Apart from the concern with overall numbers of immigrants, there is also concern over the composition of immigration. Some members of Congress and the public fear that newly arriving immigrants and refugees will not be assimilated into the national "melting pot" and that one or a few language groups, particularly the Hispanics, have come to dominate immigration.\*

This section of the Report presents two major issues for decision: (1) What should be the annual levels of immigrant and refugee admissions? and (2) How should the composition of immigrant and refugee admissions be determined?

### B. Background.

Until the late 1800s no limits existed on immigration into the United States. Thereafter Congress passed a series of restrictions culminating in the national origins quota system of the 1920s. In 1965 Congress established the present system, based largely on the principle that family reunification should be favored, regardless of national origin. Under current law individuals enter the United States legally for permanent residence in one

---

\* Assuming current trends (based on the past 5 years) continue with an average annual net inflow of a million immigrants (500,000 illegal and 500,000 legal), by 2030 one out of four Americans will either be immigrants or descended from immigrants arriving in this country after 1980. Of these, the average annual net inflow of Hispanics will be 500,000. 400,000 of these are expected to be illegal (80% of total illegals); 100,000 are expected to be legal (20% of total legals). In 50 years, the proportion of Hispanics would grow from a present 1 in 18 to 1 in 6. In heavily impacted states like California, Texas or Florida, Hispanics could grow to account for 33% during the same time period.

of three categories: (1) immigrants subject to an annual world-wide numerical limitation of 270,000; (2) immediate relatives of immigrants not subject to any numerical limitation; and (3) refugees. All three categories combined contribute an average of 0.2 percent to the U.S. population annually. The demographic impact of immigration becomes more dramatic, however, when analyzed in conjunction with illegal immigration data and patterns of settlement.

### Immigrants.

The current world-wide immigration ceiling is 270,000. Certain immigrants are not subject to the ceiling, primarily immediate relatives of U.S. citizens (spouses and children, and parents of adult citizens), who average 150,000 annually. Eighty percent of the ceiling is allocated to relatives of American citizens (other than immediate relatives) and lawful permanent residents. The remaining twenty percent is divided evenly between professionals and skilled/unskilled workers with certified job offers. Immigrant visas are issued on the basis of a preference system. Each preference is allotted a prescribed percentage of total immigration. Within the overall 270,000 ceiling, no more than 20,000 natives of any given country may immigrate annually.

Although immigration increased in the 1970s, it was still lower than in the decades preceding the depression and World War II. An average of 423,000 (including both limited and unrestricted) immigrants entered the United States each year during the seventies. Current demand far outruns available legal immigration, which creates backlogs within particular countries (e.g., Mexico) and also preference within categories (e.g., brothers and sisters of U.S. citizens)

A relatively few countries have always dominated immigration to the United States. In the past two decades Asia and Latin America have dominated. Immigrants settle in all fifty states, but they tend to cluster in a few states and metropolitan areas. Currently over 70 percent of all new immigrants move to six states -- California, New York, Florida, New Jersey, Illinois and Texas.

### Refugees.

During the period of open immigration, no distinction was made between economic migrants and refugees from political persecution.

However, after immigration was restricted in the 1920s, a variety of measures were used to admit refugees outside of annual quotas as the need arose. Then after almost 60 years of an ad hoc approach to refugee issues, Congress passed the 1980 Refugee Act to provide a "comprehensive and longterm policy" for dealing with refugees.

The Act does the following: (1) grants authority for regular and emergency admission of refugees into the United States and for federal assistance to the States for refugee resettlement; (2) created the position of the United States Coordinator for Refugee Affairs; and (3) established a system of annual Congressional consultations to set the level of refugee admissions and their allocation among countries. The fiscal year 1981 ceiling was 217,000. (77% Indochinese, 17% Soviet and East European, with the remaining 6% divided up among the rest of the world. Total fiscal 1981 resettlement costs were budgeted at \$555.7 million.)

In the 1980 Act, Congress adopted, in large part, the United Nations definition of "refugee." However, the UN definition was broadened to include persons within their country of origin if the President, in consultation with the Congress, found it in the national interest to do so. The Act defines a refugee as:

"any person who is outside any country of such person's nationality. . .who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution, or a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion. . .

In the wake of restrictionist sentiment in the public, however, some have called for a new narrower definition of "refugee."

In addition to the refugee admissions program, the State Department funds, manages and monitors bilateral and multilateral overseas refugee relief programs. Overall priorities coincide with those of the United Nations; i.e., that refugees should be: (1) voluntarily repatriated, (2) assimilated into the first asylum country, or (3) resettled in a third country only as a last resort.

The U.S. admits only a small percentage of the world's refugees. Among the many refugee groups, we identify those of special humanitarian concern to the United States. From those groups we select for admission people with special ties to the U.S. -- kinship, employment study, etc. Other countries pursue similar policies.

C. Options.

Options are presented with respect to two issues: (1) What should be the overall level of immigrant and refugee admissions? and (2) What should the composition of these admissions be?

The principal question raised by the first set of options is whether an all-inclusive numerical cap should be placed over immigrant and refugee admissions. Option I, which resembles legislation introduced by Senator Huddleston, would establish such a ceiling, although at a higher level than the Huddleston bill.

Option II, which the Task Force recommends, would continue the current practice of admitting refugees and immediate relatives of U.S. citizens outside of a fixed annual ceiling. Option II also would temporarily increase admissions of numerically limited immigrants by 100,000 annually for 5 years to relieve existing backlogs. Option III, which reflects the Select Commission recommendations, provides a permanent increase of 70,000 in the world-wide ceiling, as well as an increase of 100,000 for 5 years in immigrant admissions.

With regard to the composition of immigration, Option I preserves per country ceilings and the existing preference system -- 80% of visas going to relatives of citizens and permanent resident aliens and 20% allocated to "independents," (primarily workers with certified job offers). Option II, which the Task Force recommends, would eliminate the visa preference for brothers and sisters of U.S. citizens, giving these visas to independents under a simplified labor certification process, and would raise the country ceilings for our neighbors, Mexico and Canada, from 20,000 to 40,000 annually. Option III, proposed by the Select Commission, would expand independent admissions considerably within an increased world-wide ceiling, and would remove the per country ceilings for immediate relatives of permanent resident aliens.

CURRENT VISA ALLOCATION SYSTEM

<u>Class</u>	<u>Groups Include</u>	<u>Percentage of Numbers of Visas</u>	<u>Admissions FY 1979</u>	<u>Pending Applications</u>
Numerically Exempt Immigrants				
Immediate Relatives of U.S. Citizens	Spouses, Children, Parents (of U.S. citizens at least 21 years of age)		138,178	
Special Immigrants	Certain ministers of religion, miscellaneous, certain persons who lost U.S. citizenship		5,913	
Numerically Limited Immigrants (270,000)				
Preference:				
First	Unmarried sons and daughters of U.S. citizens and their children	20% or 54,000	5,107	5,889
Second	Spouses and unmarried sons and daughters of permanent resident aliens	26% or 70,000	100,681	168,527
Third	Members of professions of excep- tional ability and their spouses and children	10% or 27,000	11,623	18,000
Fourth	Married sons and daughters of U.S. citizens, their spouses and children	10% or 27,000	15,714	50,973
Fifth	Brothers and sisters of U.S. citizens (at least 21 years of age) and their spouses and children	24% or 64,800	92,227	551,840
Sixth	Workers in skilled or unskilled occupations in which laborers are in short supply in the U.S., their spouses and children	10% or 27,000	34,090	23,870
Non-Preference	Other qualified applicants	Any numbers not used above	1,541	286,831

LEVELS OF LEGAL IMMIGRANT AND REFUGEE ADMISSIONS OPTIONS

OPTION I [A More Restrictive Approach -- Overall Ceiling for All Admissions, Including Refugees]

---

Numerical Limitations: An all-inclusive ceiling of 470,000 would be established for all legal admissions, including those now exempt from numerical limitations (immediate relatives of U.S. citizens and refugees). Numbers would be established for each category (e.g., under a ceiling of 470,000 per year, the breakdown would be 270,000 for the current preference categories plus the normal immediate family category of 150,000, and 50,000 refugees).

In the event of an emergency (e.g., Indochina outflows), the President could utilize or "borrow" admissions from the following 3 years, or disregard the statutory categories of allocations within the over-all ceiling (e.g., admit more refugees but less family members), following consultations with Congress.

Numerically Exempt Admissions: None

Refugees: Admitted only within the over-all ceiling or through the "mortgage" provision.

Demographic Consequences: Assuming gross legal immigration of 470,000 (including 50,000 refugees) and net illegal immigration of 500,000, the population would increase from today's 226 million to 291 million in 2030 and 289 million in 2050.\*

If net illegal immigration could be reduced to 100,000, the population would be 259 million in 2030 and 243 million in 2050.\*\*

---

\* Under these assumptions, more than one of every six Americans (18.3%) would either be an immigrant or descended from immigrants who arrived after 1980. The proportion of Hispanics in our population would rise from today's 6.5% to 15.2%.

\*\* Under these assumptions, more than one of every eleven (8.7%) Americans would either be an immigrant or descended from immigrants who arrived after 1980. The proportion of Hispanics in our population would rise to 9.3%.



Budgetary  
Impact:

No budget increase required.

PRO

- Establishes clear levels of admissions so as to aid population planning.
- Responds to growing restrictionist sentiments, based upon fears of racial/ethnic change and upon high unemployment rates.

CON

- Reduces the President's ability to achieve foreign policy/national security objectives in responding to emergency refugee situations by requiring "mortgaging" of other immigrant admissions.
- Provision for "borrowing" visas will create tensions between immigrant and refugee groups, and may generate pressure to increase the overall ceiling.
- Failure to alleviate backlogs could increase pressures for illegal immigration.

Political  
Consider-  
tions:

Ethnic and religious groups would oppose. Labor officially opposes a cap on refugee admissions, but perhaps not strongly. Some opinion leaders would oppose as too inflexible in refugee emergencies. Restrictionists would favor as would local officials from refugee impacted areas.

OPTION II [Status Quo Plus Relief of Backlogs]

Numerical Limitation: Retain the current world-wide numerical ceiling of 270,000 per year for all admissions other than immediate relatives of U.S. citizens and refugees. To relieve existing backlogs, an additional 100,000 would be admitted annually for the next 5 years.

Numerically Exempt Admissions: Immediate relatives (spouses and children and parents of adult citizens) of U.S. citizens (not permanent resident aliens) would be admitted outside the numerical ceiling. This would permit approximately 150,000 individuals to be admitted in addition to the 270,000 ceiling (a total of 420,000 a year).

Refugees: Refugees would continue to be admitted in accordance with the Refugee Act of 1980, under which levels of admissions above 50,000/year and allocation among countries are set through annual consultations with Congress (FY 1981 admissions were set at 217,000, with the vast majority, 77%, allocated to Southeast Asia, 17% to the Soviet Union and Eastern Europe, and 6% to the rest of the world.

Retain the definition of "refugee" contained in the 1980 Act and U.N. Protocol -- i.e., persons with a "well-founded fear of persecution" if returned to their homeland.

Demographic Consequences: Assuming gross legal immigration of 570,000 (including 150,000 refugees) and net annual illegal immigration of 500,000, the population would grow from today's 226 million to 299 million in 2030 and 300 million in 2050 (and be still growing slightly).\*

If net illegal immigration could be reduced to 100,000, the population would be 267 million in 2030 and 254 million in 2050.\*\*

---

\* Under these assumptions, one out of every five Americans in 2030 would be an immigrant or a descendant of immigrants who had arrived after 1980. The Hispanic proportion of our population would grow from today's 6.5% to 15.5% in 2030.

\*\* Under these assumptions, one of every eight Americans in 2030 would be an immigrant or a descendant of immigrants who arrived after 1980. The Hispanic proportion of the population would grow to 10.4% in 2030.

Budgetary  
Impact:

Cost to State Department and INS of issuing additional visas would be, respectively, \$5.2 M and \$4.6 M annually for 5 years. These additional costs have been offset 32.7% under current fee schedules; they could be totally offset if fees were raised (see Management section).

PRO

- Avoids risk of opening up legal system to further restrictions and divisive exchanges which would divert attention from the major problem of illegal immigration.
- Continues the present policy of admitting close relatives of U.S. citizens without limitation and flexible admissions of refugees to respond to emergencies.
- Continues present emphasis on family reunification.
- Cuts a middle course between restrictionist sentiments and the recommendations of the Select Commission for permanently increased immigration levels.
- Additional visas for 5 years would substantially relieve current backlogs of 1.1 million, which result in pressures to immigrate illegally.
- If illegal aliens currently in the U.S. are legalized (see Illegal Immigration section) relieving current backlogs would, in fairness, treat legal immigrants no less favorably than illegal aliens who may be legalized.
- Permits absorption at levels that are responsible and manageable.
- Flexible refugee admissions permit quick response to emergencies and are consistent with our humanitarian traditions.

CON

- Does not place an overall cap on legal immigration advocated by some (Huddleston). Postpones time when U.S. population is stabilized.
- Forces non-immediate relatives of U.S. citizens to wait for admission under preference categories.
- Discourages increased immigration by independent (i.e., non-family related) individuals who have needed skills.

Political  
Consider-  
ations:

Would be viewed as a moderate course between restriction and expansion. Ethnic and religious groups would get some relief from backlogs, though not permanent increases in ceilings. Restrictionists would prefer an overall cap, and 75-80% of public says it favors decreasing legal admissions.

OPTION III [The Select Commission Proposals]

Numerical Limitation:       The current world-wide ceiling of 270,000 would be increased to 350,000. The additional visas would be allocated primarily to increased admissions of 1) immediate relatives of permanent resident aliens, and 2) "independent" (non-family) immigrants whose labor is needed.

To relieve existing backlogs, an additional 100,000 would be admitted annually for the next 5 years.

Numerically Exempt Admissions:       Same as Option I, plus grandparents of adult U.S. citizens and adult unmarried children of U.S. citizens (an anticipated addition of 5,000 - 10,000 admissions annually).

Refugees:               Same as Option I.

Demographic Consequences:       Assuming gross legal immigration of 700,000 (including 150,000 refugees) and net annual illegal immigration of 500,000, the population increase from today's 236 million to 306 million in 2030 and 311 million in 2050 (and still growing).\*

If net illegal immigration could be reduced to 100,000, the population would be 274 million in 2030 and 264 million in 2050.\*\*

---

\* Under these assumptions, one of every five Americans will either be an immigrant or descended from immigrants who had arrived after 1980. The Hispanic proportion of our population would grow from today's 6.5% to 12.7%.

\*\* Under these assumptions, one of every seven Americans will either be an immigrant or descended from immigrants who had arrived after 1980. The Hispanic proportion of our population would grow to 10.8%.

Budgetary  
Impact:

Annual increased admissions costs: State - \$9.7 M for 5 years and \$4.5 M thereafter; INS - \$9.3 M for 5 years and \$4.7 M thereafter. These increased costs would be offset 45% assuming existing visa fee schedule. They could be offset entirely if the fees were increased (see Management section).

PRO

- Permits quicker entry by relatives of U.S. citizens and resident aliens, thus further promoting family reunification.
- Encourages entry of independent immigrant workers from all countries. As the U.S. labor force ages in the 80s and 90s, there could be shortages of American workers willing to work in unskilled, service, and blue collar occupational categories.
- Helps alleviate existing and future backlogs and the resulting pressure to immigrate illegally.
- Flexible refugee admissions permit quick response to emergencies and are consistent with our humanitarian traditions.

CON

- Cuts against growing public sentiment to limit immigration levels.
- Could be viewed as increasing size of U.S. workforce and burdens on social services in times of continuing high unemployment and cuts in Federal social programs.
- While probably manageable, postpones the date by which U.S. population will have stabilized.

Political  
Considera-  
tions:

Unless balanced with strong enforcement measures to curb illegal immigration, restrictionists would strongly oppose increased legal admissions. Some state and local officials might oppose because of the potential impact on low-cost housing and social services where immigrants and refugees concentrate. Blacks might oppose because of a perception of greater job competition.\* Labor, though favoring family reunification, opposes increased entry of independent immigrants until illegal immigration curbed. Ethnic and religious groups would favor strongly. Some business support for entry of investors and skilled independents.

---

\* Immigrants have quite varied educational backgrounds. Foreign-born males (age 25-44) reported in the 1970 Census average years of schooling that ranged from 16 for Japanese to 6 for Mexicans. This compares to 12.1 years for U.S. whites or 10.0 for U.S. blacks and other races.

## COMPOSITION OF LEGAL IMMIGRATION OPTIONS

(Note: Composition of refugee admissions would be determined annually as a part of determining the overall level; see Tab 5 on Management.)

### OPTION I [The Status Quo]

- General: The existing preference structure would be maintained; 80% to family preferences; 20% to occupational preferences. The existing per country ceilings of 20,000 each would be maintained, within the overall world-wide ceiling (currently 270,000).
- Family Reunification: The 216,000 family reunification visas (80% of 270,000) are allocated among 5 preference categories of relatives of U.S. citizens and permanent resident aliens (see attached chart).
- Independent Immigration: The occupational preference categories (20% of all admittees) would continue to be divided between professionals (10%) and non-professional (10%) workers with job offers certified by DOL on a case-by-case basis as not displacing available American workers or adversely affecting the wages and working conditions of similarly employed U.S. workers.

### PRO

- Maintains current system, with no additional administrative or legal burdens.
- Continues to give preference to the traditional principle of family reunification rather than independent (non-family related) admissions.
- Continues to disperse immigration slots to numerous countries, rather than permitting a handful of countries to largely dominate immigration.
- Avoids risk of opening up legal system to further restrictions and divisive exchanges which would divert attention from the major problem of illegal immigration.



CON

- Maintains the current 20,000 ceiling, impeding family reunification in high demand countries.
- Encourages flows without regard to productive capabilities; relatives of citizens and permanent resident aliens over workers and professionals.
- Imposes equal limitations on all countries, without regard to size, demand, proximity to the U.S., or threat of illegal immigration.
- Continues the preference for brothers and sisters of U.S. citizens, which causes near exponential growth in demand for immigration and chronic backlogs.

Political  
Consider-  
ations:

Status quo avoids political free-for-all of reforming the preference system. Family v. independent controversy could distract from illegal immigration problem. Ethnic, religious, and labor groups favor current emphasis on family reunification over admissions of independent immigrants, but view existing country ceilings as inhibiting family reunification. Business groups not distressed by status quo, except for unavailability of visas for investors and workers.

OPTION II [Status Quo, but limit Family Reunification Preference and expand Mexican, Canadian, and Independent Admissions]

- General: The per country ceilings for Mexico and Canada would be increased to 40,000 each adding up to 40,000/year to the overall legal immigration cap; in addition, any unused slots by one country would be available to the other.
- Family Reunification: The existing preference for brothers and sisters of adult U.S. citizens (the "fifth preference") would be eliminated prospectively, thereby releasing after clearance of existing backlogs the approximately 65,000 annual slots now taken by this group.
- Independent Immigration: The approximately 65,000 slots now available to fifth preference immigrants (brothers and sisters) would be allocated to independents, i.e., professionals and needed workers. Labor certification for these persons would be streamlined; instead of individual labor certifications DOL would annually publish a list of occupations for which adequate domestic workers were available. Foreign workers in other occupations with DOL-certified job offer would apply to Consular Office for visas.

PRO

- Eliminates the preference for brothers and sisters which causes exponential increases in immigrant applications with resulting backlogs; this is also more in accord with American views of nuclear family.
- Expands the slots available for needed professionals and workers.
- Recognizes the unique relationship with our neighbors and the need for increased flows from those two countries with which we share a border.
- Provides a means for reducing pressures for illegal immigration from Mexico (the country against which it is most difficult to assure full enforcement of our laws).

CON

- Impedes reunification of brothers and sisters, whose familial relationship is important in many cultures.
- Invites more legal job seekers into the U.S. in a period of high unemployment.
- Singles out Mexico and Canada for disparately favorable treatment when other countries, e.g., Philippines, have substantial backlogs. (If this option is coupled with Option II under Levels, we would hope to reduce backlogs at the same time.)

Political  
Consider-  
ations:

Restrictionists would favor dropping preference for brothers and sisters; business would support increased numbers of workers and investors. Labor will oppose increased numbers of workers unless they can be shown that this is part of an overall plan to control illegal immigration. Ethnics and religious groups would oppose shifts of numbers from family reunification to occupational preferences; Asians, Italians, and Greeks would likely oppose ending even a prospective preference for brothers and sisters. Mexicans and religious groups would support higher country ceilings for Mexico and Canada; Labor has done so in the past. Restrictionists, concerned about increased numbers of Hispanics in this country, would oppose as would others seeking to limit immigration.

OPTION III [The Select Commission Proposals]

General: Establish separate categories of immigrant visas for (1) relatives of citizens and permanent resident aliens, and (2) "independents," i.e., professionals and workers.

Family Reunification: 250,000 of the total 350,000 visas recommended by the Select Commission would be allocated to relatives of U.S. citizens and permanent resident aliens. 175,000 of the 250,000 family member visas would be issued on a first-come/first-served basis to close relatives of lawful permanent residents; the remainder would be allocated by percentages to 5 other preference categories of less-close relatives of U.S. citizens and lawful permanent residents.\*

Per country ceilings would not apply in the case of close relatives (i.e., spouses and unmarried minor children) of lawful permanent residents and certain professionals.

Independent Immigration: Labor certification for the 100,000 independent immigrants would be simplified and streamlined. A foreign worker would be required to have a job offer from a U.S. employer for an occupation not on a list of excluded occupations for which DOL had determined there to be sufficient U.S. workers.

\* Select Commission Staff Recommendation.

PRO

- Increases slightly the numbers available for family reunification.
- Provides for increased emphasis on, and more visa numbers for independent immigrants from all countries; this opens avenues for additional entries from countries with fewer recent immigrants to the U.S.
- Clarifies the separate purposes served by the immigration laws of promoting family reunification and bringing skilled professionals or needed workers to the U.S. despite lack of family ties.

CON

- Removal of per country ceiling would permit certain countries to dominate immigration (i.e., Mexico, Philippines, Korea, China).
  
- Increased "independent" admissions requires and increased overall ceiling unless family reunification visas are curtailed.
  
- Expanded independent admissions could be claimed adversely to affect wages and working conditions of competing resident workers notwithstanding labor certifications.

Political  
Consider-  
ation:

Ethnic and religious groups would favor as long as number available to family immigrants increased. Business would favor increased numbers for workers and investors.

While most concerned about illegal immigration and notwithstanding the relatively small numbers involved, labor would likely oppose in principle increased numbers for independents, so would persons fearing brain drain from the Third World. Restrictionists would oppose removal of country ceilings as reducing the barriers to developing country immigration and permitting dominance of future U.S. immigration by such countries.

## II. Illegal Immigration

### A. Introduction.

Illegal entry into the United States and the presence of illegal aliens now residing in this country are viewed by the Congress and the public as the most serious immigration issue. A Gallop Poll in November, 1980 indicated that 91% of the public feel that we should "make an all-out effort to stop" illegal immigration. Restrictionist sentiment among the public has deepened as a result of the recent arrival of 165,000 Cubans and Haitians into south Florida, which raises other issues. This section of the Report presents alternative policies with respect to these problems.

### B. Background.

It is estimated that the net inflow of illegal aliens into the United States each year is 500,000. Gross illegal immigration is much higher, perhaps 1.5 to 2 million annually, but many of these aliens do not remain permanently. The total number of aliens who now reside here illegally is estimated to be 3 to 6 million. About half of the annual flow and of the resident illegal population is thought to be from Mexico. An additional 25% may come from Central and South American and Caribbean nations, and the remainder primarily from Asia. About 60% of the illegal immigration occurs through surreptitious entries across the borders; the other 40% is accounted for by aliens who overstay their visas or enter with fraudulent documents. During Fiscal Year 1979, 1,069,400 illegal aliens were apprehended, 92% of whom had entered the U.S. across the Mexican border, a dramatic increase from the 50,000 apprehensions in 1964.

The general causes of illegal immigration are the pressures of poverty and unemployment in certain Latin American and Asian countries, the ease of travel and entry into the U.S., and the availability of employment in the U.S. without regard to the legal status of workers. These conditions are particularly evident in the case of Mexico. The population of Mexico, for example, is expected nearly to double in the next two decades, and there may be a shortfall in the creation of new jobs for its relatively youthful population exceeding 250,000 per year. During the same period, however, there may be an increasing need in the U.S., whose population is aging, for younger low-skill, low-wage workers in industry and service sectors of the economy.

Illegal immigrants once were concentrated in agricultural employment in the southwest States, but now reside in all regions of the U.S. Only 15% of illegal aliens now are estimated to work in agriculture (20% of Mexican aliens; 10% of other illegal aliens). Perhaps 50% of the illegal aliens are employed in service jobs and approximately 30% work in blue collar jobs.

The economic and fiscal effects of illegal aliens are disputed. However, there may be some displacement of U.S. workers, primarily the less-skilled, and some depressing effect on the wages of these workers. Most studies indicate that illegal aliens generally do not participate in cash-assistance welfare programs, but do place some burden on public medical and educational services. Illegal aliens in the non-agricultural sectors appear to comply by-and-large with tax payment obligations, including social security.

### C. Options.

Four alternative policies are presented in this section. They are distinguished chiefly by the degree to which they seek to accommodate the "push-pull" phenomenon caused by employment opportunities in the U.S. and high unemployment in the sending nations.

Option I continues present policies unchanged. It assumes that the status quo, without effective enforcement of the immigration laws, is tolerable and preferable to proposed "solutions" to illegal immigration, which might either encourage much larger foreign migration to the U.S. (Option II), or impose substantial regulatory burdens and economic dislocations without materially reducing illegal immigration (Options III and IV). Unlike Options II, III, and IV, Option I does not increase the levels of enforcement of existing laws, nor are illegal aliens who are now here "legalized," i.e., permitted to become lawful permanent residents, since to do so without an enforcement strategy would be politically unacceptable and would only encourage further illegal immigration, eventually requiring legalization again in the future.

Option II attempts to accommodate the desire of foreign workers to be employed in the U.S. by establishing a large temporary worker program, but would not prohibit employers from hiring illegal aliens who entered outside of the program. It assumes that the employment of foreign workers, particularly Mexicans, is mutually beneficial to Mexico and the U.S. and is a natural consequence of the two countries sharing the North American continent. Option II assumes further that Mexican workers do not desire to reside permanently in the U.S. and that, accordingly, enforcing a large temporary worker program would not be difficult. Under Option II, few illegal aliens now in the U.S. would be legalized. Those who are not legalized, however, would be eligible to apply for the temporary worker program after returning home.

Option III attempts to accommodate somewhat the desire of foreign nationals to work in the U.S. by establishing a pilot temporary worker program, smaller than that in Option II, which could be expanded in the light of experience. In the meanwhile, those illegal aliens who have resided in the U.S. for 3-5 years would be permitted to apply for temporary worker status as well, and illegal aliens who have resided in the U.S. for 5 or more years could apply for lawful permanent resident status. Legislation would be enacted prohibiting employers from "knowingly" hiring illegal aliens, on the assumption that this is the only practical way to curtail immigration. The "two-tier" approach to the status of illegal aliens who are now here would avoid widespread dislocation of employers who would obey the new employer sanction law. Option III assumes, moreover, that it is not practical to attempt to expel the 3-6 million illegal aliens who are here, and that efforts to do so would simply drive them further "underground."

Option IV, which reflects the Select Commission recommendations, proposes employer sanctions, as in Option III, but provides for no pilot temporary worker program and proposes a large single-tier amnesty that would not distinguish between those who had been in the U.S. for a long period and wanted to become permanent residents and those who wanted continuing temporary work opportunities.



## D. Cuban/Haitian Issues.

### 1. Background.

In the course of the "Mariel boatlift" of 1980, 135,000 visaless Cubans arrived in south Florida, including 24,000 who were criminals and several hundred who were mentally ill or otherwise maladjusted. Most of the Cubans have been resettled in the U.S., but two thousand serious criminal offenders remain in a federal prison in Atlanta, the mentally ill are in institutions, and nearly two thousand social misfits remain at Fort Chaffee, Arkansas, a continual irritation to Governor White. Cuba thus far has refused to accept back its nationals, most of whom are "excludable" from the U.S. under the immigration laws. Intelligence estimates indicate that perhaps an additional 200,000 Cubans would come to the U.S. if Castro reopened the port of Mariel for this purpose.

During the past decade, there also has been a continuing migration into Florida of undocumented Haitians, who are estimated now to number approximately 35,000. Since 1980, Haitians have been arriving at the rate of 1000-1500 per month, which, though less than 2% of the annual undocumented entries into the U.S., seriously impacts the Florida community.

Although Haiti, unlike Cuba, is willing to accept the return of its nationals who are deported by the U.S. exclusion proceedings until recently were blocked by litigation challenging the procedures and substantive decisions of the INS in adjudicating Haitian asylum claims -- i.e., that they reasonably fear persecution in Haiti and cannot, under U.S. laws and treaties, be involuntarily returned. While the Department of State believes that few of the Haitians are entitled to asylum under current law, U.S. District Court for the Southern District of Florida has expressly rejected the State Department's view. Deportation proceedings are currently being instituted against new Haitian arrivals, but legal challenges can be expected to continue.

### 2. Options and Recommendations.

Presidential decisions are needed with regard to these issues: (1) What to do with the 165,000 Cubans and Haitians who are now here, including the criminals, mental cases, and social misfits? and (2) What policy should the Administration pursue with regard to future arrivals? The Task Force has several recommendations and also presents three options with regard to the most controversial enforcement issues.

a. Legal Status.

The last Administration established a new category of "Cuban/Haitian entrant" for these aliens who arrived on or before October 10, 1980, and gave these people permission to remain temporarily pending Congressional consideration of legislation to permit their permanent residence here. Such legislation was introduced in the last Congress but not acted upon. The aliens' temporary status expires July 15, 1981. Without further legislation, Cuban arrivals may apply for permanent resident status under the Cuban Refugee Adjustment Act of 1966, after residence here for one year. Applications under this Act have been deferred by the Attorney General pending a Presidential decision of this matter. Without special legislation, the Haitians would be subject to deportation on a case-by-case basis, after July 15, unless determined to have valid asylum claims.

The Task Force does not believe that mass deportations of these aliens would be in the national interest. With the exception of the criminals, mentally ill, and the misfits at Fort Chaffee, the Cubans and Haitians should, in our opinion, be permitted to remain. There is little likelihood that the Cuban government will accept its nationals return by diplomatic means. Moreover, most of the Cubans have been resettled, many with relatives, and their involuntary return to the Castro regime would be highly controversial. Although the Haitians could theoretically be deported, the administrative burden of doing so would be enormous, and the Administration would be criticized for treating them less favorably than the Cubans.

The Cuban entrants who are serious criminal offenders or mentally ill, or who cannot for other reasons safely be released into the community should not be accorded permanent resident status. Such persons should be maintained in appropriate custodial facilities pending renewed negotiations to secure their repatriation to Cuba. Negotiations to this end should be recommenced at the earliest date that is consistent with overall foreign policy considerations.

RECOMMENDATION (All Agencies)

That the Administration seek legislation (1) to authorize Cubans and Haitians who arrived before October 10, 1980, to apply for permanent resident status after residing here for two years, and (2) repeal the 1966 Cuban Adjustment Act. This would provide a one-time-only adjustment, and should be joined with enforcement measures adequate to curtail future illegal immigration from these countries.

b. Domestic enforcement measures.

In the course of the Mariel boatlift of 1980, it became apparent that certain of the U.S. civil and criminal statutes intended to deter persons from bringing undocumented aliens into the United States were, in those circumstances, inadequate in several respects. These provisions included criminal penalties and the forfeiture of vessels used to bring aliens to the United States. Had these and other sanctions been available and applied, the mass migration that ensued largely could have been avoided.

RECOMMENDATION (All Agencies)

That the Administration propose legislation to prohibit bringing undocumented aliens to the U.S.; to prohibit, in Presidentially-declared emergencies (e.g., during a "Freedom Flotilla") U.S. citizens from traveling to designated foreign countries in a U.S. flag vessel; and to clarify existing authority for the seizure and forfeiture of vessels used in violation of the immigration laws.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

c. Reform of Exclusion Proceedings.

Exclusion and deportation proceedings for illegal aliens have been subject to lengthy delay. The current statutory and regulatory framework affords the alien a quasi-judicial hearing and a right to both administrative and judicial appeals, all of which occurs after a time-consuming referral of the asylum claim to the Department of State for advice. These elaborate procedures are not necessary for a fair hearing, and are completely unworkable in the event of a mass inflow of aliens.

RECOMMENDATION (All Agencies)

That the Administration propose legislation to reform and expedite exclusion proceedings. Claims of asylum would be heard before newly established INS asylum officers and could be appealed to the Attorney General. Exclusion hearings would be confined to the question whether the alien had entered the U.S. with adequate documentation.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

d. Foreign Policy Measures.

A number of diplomatic measures could be pursued that would help curtail illegal immigration from Cuba and Haiti, both directly from these countries and also via third countries.

RECOMMENDATION (All Agencies)

That the Administration pursue international negotiations to provide additional resettlement opportunities for Haitians in Western Hemisphere countries; to obtain Haitian cooperation in restraining illegal immigration of its nationals to the U.S.; to secure Cuban agreement to the return of the criminals, mentally ill, and anti-socials who arrived in the Mariel boat-lift; and to discourage third countries from serving as conduits for illegal immigration into the U.S.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

f. Options.

Three options are presented with respect to future enforcement strategies involving (1) interdiction by the Coast Guard of illegal aliens traveling to the U.S. by sea, and (2) detention of illegal aliens who are apprehended upon arrival, pending deportation or grant of asylum.

Option I continues the present policy of no interdiction and of releasing the arriving Haitians into the community with authorization to find work. The practice of detaining illegal aliens pending exclusion hearings was discontinued in 1977.

Option II would introduce a policy of limited interdiction at sea, but would not change the present non-detention policy.

Option III combines limited interdiction, as in Option II, with a policy of detaining future arrivals pending exclusion hearings.

It is proposed that any of these options would be undertaken in conjunction with some or all of the policies recommended above.

OPTION I The Status Quo.

International Cooperation:	Negotiate with Mexico (1) joint prevention of third country nationals crossing Mexico to enter the U.S. illegally, and (2) agreement to increase labor-intensive developmental projects in principal Mexican "sending" states perhaps with matching U.S. AID funds.
Enforcement of Existing Statutes:	Maintain the existing statutory framework and level of INS enforcement, both along the borders and in the interior. Also continue to enforce the Fair Labor Standards act, which prohibits employment at less than minimum wage.
Employer Sanctions:	None. It is now lawful for an employer to hire illegal aliens.
Temporary Worker Program:	Maintain existing H-2 program, admitting 30,000 workers per year, largely from the Caribbean. This requires individualized certification by the Department of Labor (requiring 80 days) that no American worker is available to fill the particular job and that employment of the temporary worker would not adversely affect the wage rate and working conditions of that category of jobs in the particular area.
Legalization:	None. Do not legalize the status of illegal aliens who are now in the United States.
Budgetary Impact:	None.

PROS

- Permits continuing the significant flows of Mexican workers into the United States without alienating Hispanic groups or creating an issue of principle with organized labor.
- Leaves labor supply to the marketplace -- recognizing that no U.S. immigration regime can totally prevent flows of Mexicans to jobs which pay 7 times what they would in Mexico where there have for generations been networks of trans-border relationships and one-sixth of the Mexican population is unemployed or under-employed.

- Avoids the possible "magnet effect" of an enlarged Temporary Worker program or legalization that could attract additional illegal migration.
- Would be viewed by the Government of Mexico as preferable to alternatives that would restrict Mexican migration.
- Proposes no new policy/legislation that would require political effort which might decrease Congressional and public support and attention to other Administration priorities.

#### CONS

- Fosters disrespect for law and institutions by tolerating 3-6 million illegal population and illegal flows possibly equal to legal flows. A great nation should be able in general to maintain border sovereignty and control the external impacts on its demographic destiny.
- Would not deter illegal immigration and thus continues a large disenfranchised, fugitive class living outside of legal society.
- Fails to limit illegal alien workers to those sectors of the economy where there is no adverse impact on American workers among whom unemployment is currently high.
- Reduces de facto the ethnic diversity and balance of immigrant admissions that have been an objective of the immigration laws.
- First in 1965, and again in 1976, the Congress acted to limit Western Hemisphere immigration; the relevant Committees want enforcement of the law.
- The polls show the vast majority of Americans want restricted immigration and stronger enforcement of the law. According to a recent Gallup poll, most are prepared to accept a new worker I.D. card and employer sanctions to this end.
- With social programs being cut back at home, many will not tolerate what is perceived to be scab labor competition from abroad.

Political  
Consider-  
ations:

The failure to pursue an enforcement strategy will be viewed as irresponsible by restrictionists, by labor, and by the general public (except for Hispanic and civil liberties groups). Hispanics, minorities, churches, and labor would object to the absence of amnesty for those illegals already here. Some Governors, Congressmen, and employers in the southwest would object to absence of new temporary worker program.

OPTION II (Increased border and labor standards enforcement, no employer sanctions, large temporary worker program, limited amnesty)

---

International Cooperation: Same as Option I.

Enforcement Moderate increase in INS enforcement (13% increase in overall budget). 1610 additional positions over FY '82 Authorized Force (800 Border Patrol; 400 Investigations; 186 Inspections; 224 Detention & Deportation). Expected increased apprehensions 394,000 (267,000 at the border; 126,000 in the interior). Average cost \$120 per apprehension.

Increase resources for DOL Wage & Hour Division enforcement of Fair Labor Standards and Farm Labor Contractor Registration Acts. 457 additional compliance officers. Expected 24,000 additional compliance actions covering 312,000 underpaid workers.

Employer Sanctions: None

Temporary Worker Program: Establish a new Temporary Worker Program to admit 500,000-750,000 Mexican nationals per year. Allow temporary stays up to 9 months over a consecutive period of up to 10 years. Worker to be a free agent except for the time limit. Establish new preference for permanent residence based on number of law-abiding years in temporary worker program. Explicitly permit alien to bring in spouse and minor children (with access to schools and health care, but not welfare, food stamps or unemployment insurance). Strongly encourage alien to join union but prohibit from working for employer involved in a strike. Additional positions: DOL 78; State 45.

Legalization: Adjust to legal status aliens who can establish continuous residence for seven years and are not otherwise excludable. 400,000 likely to be eligible. Increased federal and state social welfare costs \$200 M annually.



Budgetary  
Impact:

Total additional annual operating expenditures:  
\$75 M (including 2192 positions); Border  
and Investigations Enforcement \$48.1 M; DOL  
Enforcement \$12.7 M; Temporary Worker \$3.5 M;  
Legalization (administration) \$11 M.

Estimated annual welfare costs for additional  
permanent resident aliens resulting from legali-  
zation would be more than offset by earnings,  
taxes paid, etc.

#### PROS

- A large, liberal temporary worker program would create incentives for legal immigration and avoid difficulties in enforcing a more restrictive policy.
- A large temporary worker program recognizes interdependence of the U.S. and Mexican economies, and could be a principal element of expanded bilateral relations with Mexico, or of a North American Accord including Canada.
- Legitimizing the flow of illegal aliens would provide legal protections for Mexican workers without fostering permanent "equities" in the U.S.
- Mexico would continue to have a "safety valve" for its unemployed population that would be shut off by a policy of strict enforcement without admissions of temporary workers.
- The temporary worker program maintains a source of low-skilled, low-wage workers which maintain productivity and may be in short supply in some sectors.
- A limited amnesty would legalize the status only of those aliens who have resided here for many years, and thus would not be overly generous to persons who have violated the law.

## CONS

- A large temporary worker program would be claimed adversely to affect competing resident workers, especially low-skilled and low-wage workers. It would thus be strenuously resisted by organized labor and minority groups.
- Rather than curtailing illegal immigration, a large temporary worker program may stimulate further illegal immigration, as was the case during and immediately following the bracero program.
- Even 500,000-750,000 temporary worker slots might not absorb the high end of the range of estimated annual flow of .8 - 1.5 million illegal entrants from Mexico.
- Recent discussions with the Mexican Government do not indicate great interest in such a program.
- A temporary worker program restricted to Mexican nationals without major new enforcement measures would have no impact on the 125-250,000 net inflow of non-Mexican illegal aliens.
- Without employer sanctions, the temporary worker program would be difficult to enforce, since substantial numbers of Mexican temporary workers may decide to remain permanently, and employers may choose to continue to hire illegal aliens at less than the prevailing wage.
- Failure to grant amnesty to most illegal aliens residing in the U.S. continues a large fugitive class that undermines respect for the law.

### Political Considerations:

Labor, minority and church groups would vigorously oppose a large temporary worker program, and also would object to small amnesty. They would claim that it is unfair to bring in foreign workers when resident unemployment is high and CETA and other services are being cut back. Pro-enforcement elements of Congress and the public would view the overall strategy as irresponsible. Some border Governors, Congressmen, and employers would favor a large temporary worker program; but many (like Governor Clements of Texas) would also advocate employer sanctions.

OPTION III (II + limited employer sanctions, no new I.D. card)

International Same as Option I.  
Cooperation:

Enforcement Same as Option II.  
of Existing  
Statutes:

Employer Enact legislation prohibiting employers of 4 or  
Sanctions: more employees from "knowingly and wilfully"  
hiring illegal aliens. Civil fines of \$500  
to \$1,000 for each illegal alien so employed;  
injunction actions by DOJ against employers  
where "pattern or practice" of violations  
exists. Requires 100 additional investigator  
positions.

Employee eligibility determined by existing docu-  
mentation, including more secure Social Security  
card and employee statement of eligibility.  
Employer's good faith reliance upon these docu-  
ments is a defense.

An employee's "knowing and wilful" use of false  
documents or making false statements in an affi-  
davit, and an employer's failure to require an  
employee to provide identification or submit an  
affidavit would be separate violations of the  
Act.

Make the Social Security card more secure against  
fraud by creating and phasing in a physically  
counterfeit resistant card to 20 million new  
hires per year. Requires 5,000 additional  
positions, largely clerical.

Target enforcement to reach "pattern or practice"  
of violations.

Temporary  
Worker  
Program:

Enact legislation to establish a new Pilot Guest Worker program for Mexican nationals (for a 2-year trial period, 50,000 visas per year maximum). Same as Option II regarding duration of stay, preference for permanent residence, ability to bring in spouses and minor children, access to education and medical services (but not welfare, food stamps or unemployment insurance). But the program would be targeted to specific areas and categories of jobs. Require State certification of list of jobs where adequate supply of American workers, specifying categories of, as opposed to particular, jobs. Temporary workers could apply for visas for any other jobs where they had a DOL Employment Service office certified job offer (certified that valid offer not on excluded list). Requires 12 additional positions.

Legalization:

Permit aliens to apply for lawful permanent resident status who were present in the U.S. prior to January 1, 1980, who had been continually resident in the U.S. for at least 5 years, and who are not otherwise excludable. Estimated 1.2 million people eligible.

Grant temporary worker status (similar to Temporary Worker program described above) to illegal aliens who were continuously resident in the U.S. for at least 3 years and who are not otherwise excludable. Would be eligible to apply for permanent resident status after 5 years of continuous residence. Estimated 1.5 million aliens eligible.

Budgetary  
Impacts:

Total additional annual operating expenditures: \$256-286 million, much of which could be offset by application fees (see Management Section). This would include INS Enforcement \$33.7 M, DOL Enforcement \$12.7 M; Employer Sanctions, SSA \$115-145 M (plus an estimated \$100 million in design and procurement costs for expansion of the SSA computer data base and telecommunications system), enforcement and appeals \$20 M; Temporary Worker \$0.4 M; Legalization \$74.3 M in processing costs.

Annual welfare costs for additional permanent resident aliens resulting from legalization would be more than offset by earnings, taxes paid, etc.

## PROS

- Increased enforcement resources and employer sanctions, in combination with a pilot temporary worker program, will reduce substantially illegal immigration (perhaps from 500,000 to 100,000/year) by expanding the opportunity for Mexican nationals to work lawfully in the U.S. and by prohibiting employers from hiring Mexicans outside of that program.
- The combination of legalization and temporary worker status for illegal aliens currently in the U.S. avoids the widespread dislocation to employers inclined to obey the new law that would otherwise accompany the application of employer sanctions in sectors where businesses have come to depend upon illegal alien workers.
- Since we cannot, nor should we try to, seal the U.S.-Mexican border, employer sanctions are the only remaining tool which offers some chance of enforcing our law. Recent polls show the public as generally prepared to accept this approach (including a requirement of a new I.D. card). Requiring new hires to show a social security card is not a major new requirement; employees already provide their social security numbers. Improving the social security card system will also reduce fraud and abuse in the welfare and social security system.
- The pilot temporary worker program permits a trial period to find out whether more foreign workers can benefit the U.S. economy (with due consideration to the native labor force) and whether such a program can be effectively administered.
- Targeting the enforcement of employer sanctions to situations where there is a "pattern or practice" of illegal hiring, would be cost-effective and would eliminate the competitive advantage of employers who hire illegal aliens and pay less than prevailing wages.
- Employer sanctions should open some jobs or over time make them more attractive to U.S. workers.
- A limited grant of amnesty would legalize the status of those aliens who have been here for several years, without appearing overly generous to large numbers of persons who violated the law. There is no practical way to round up and deport the 3-6 million illegals estimated to be here. This would parallel the legalization recommended for Cubans and Haitians.

CONS

- Employer sanctions together with a temporary worker program would not likely end the flow of undocumented aliens since the factors of political instability and economic deprivation in sending countries would still drive migration. Further, some employers may simply disregard the sanctions and view the penalty as a cost of doing business.
- An improved social security card system is a national identity card by another name. This is an additional intrusion of Government into our daily lives. But the current social security number and IRS systems already provide for intrusion. A new I.D. system would add to this only marginally.
- The prevalence of fraudulent documents undermines a scheme of employer sanctions that depends upon existing forms of identification. As long as identity cards are based on birth certificates, a new I.D. card would likely only marginally add to the system's efficacy.
- Employer sanctions will be opposed by some businessmen as undue regulation and government interference.
- Even carefully structured employer sanctions could result in discrimination against foreign-looking or sounding Americans. This would be offset by making good faith inspection of a social security card an absolute defense.
- Amnesty for a significant number of illegal aliens could be viewed as rewarding persons for breaking the law.
- The emphasis on enforcement -- employer sanctions and increased INS resources -- may be viewed unfavorably by Mexico.

Political  
Consider-  
ations:

Labor, church, and minority groups would oppose the pilot temporary worker program but with less vigor than the larger program. Minority and church groups would prefer a larger legalization with immediate permanent resident status. Legalization will be opposed by restrictionists. Labor and restrictionist groups favor employer sanctions.

Some border State Governors and Congressmen would prefer larger temporary worker program. Some, like Governor Clements, would combine a temporary worker program with employer sanctions. Nov. 1980 Gallup Poll indicated 76% of public favors law against hiring illegal aliens. 62% favored requirement of national I.D. card.

OPTION IV (III - Pilot temporary worker program + major  
increase in border and labor standards enforcements  
+ large-scale legalization to permanent resident status)

---

International Cooperation: Same as Option I.

Enforcement of Existing Statutes: Substantial increase in INS enforcement resources (20.6% of overall budget). 2478 additional positions over FY 82 Authorized Force (1425 Border Patrol, 660 Investigations, 369 Inspections, 424 Detention & Deportation). Expected increased apprehensions: 734,000 (495,000 at the border; 239,000 interior).

Increase in resources for DOL Wage & Hour Division  
Same as Options II and III.

Employer Sanctions: Same as Option III.

Temporary Worker Program: No new temporary worker program. Streamline and retain existing H-2 program, admitting 30,000 workers per year, largely from the Caribbean.

Legalization: Adjust to lawful permanent resident status aliens who were present in the U.S. prior to January 1, 1980, had been continuously resident in the U.S. for a period of 3 years, and are not otherwise excludable. Estimated 2.7 million aliens eligible. No temporary worker component.

Budgetary Impact: Total additional annual operating costs: \$297-317 million, much of which could be offset by application fees (see Management section). This would include INS enforcement \$75.1 M; DOL Enforcement \$12.7 M; Employer Sanctions: SSA \$115-145 M (plus an estimated \$100 M in design and procurement costs for modified SSA computer data base and telecommunications modified system), enforcement and appeals \$20 M; Legalization \$74.3 M.

Annual welfare costs for additional permanent resident aliens resulting from legalization would be more than offset by earnings, taxes paid, etc.

## PROS

- Same as for Option III, except:
- There would be no pilot temporary worker program to permit us to see whether more foreign workers can benefit the U.S. economy and whether such a program can be effectively administered.
- The amnesty program would not permit distinctions between those who had been in the U.S. for a long period and wanted to become permanent residents and those who wanted continuing temporary work opportunities.

## CONS

- Same as for Option III, except:
- The lack of an improved temporary worker program fails to deal with the problem of additional persons wishing to come to this country on a temporary basis; it thus provides no relief from demographic pressures in Mexico and could cause instability in that country over time.
- The larger grant of amnesty would likely draw substantially greater political opposition from labor and restrictionists.

### Political Considerations:

Labor and restrictionists will favor employer sanctions and enforcement efforts. Minority, church and civil libertarian groups will oppose both. The absence of both a pilot temporary worker program and the presumably less mobile aliens in the legalized temporary workers status may increase the opposition of those employers most dependent upon foreign workers. The more generous amnesty would still be supported by ethnic and religious groups. Restrictionists would oppose broader legalization.



## CUBAN/HAITIAN ENFORCEMENT OPTIONS

### OPTION I

Interdiction on High Seas: Continue the current practice of not interdicting illegal migration by sea; do not seek legislation to authorize interdiction by the Coast Guard or Customs.

Detention: Continue the current practice: Provide only initial detention of aliens arriving without visas. After processing, release aliens with sponsors into the community with the right to work pending decision to admit or exclude.

Budgetary Impact: No additional resources required for enforcement.  
Estimated welfare and resettlement expenditures for aliens released into the community \$45 million (assuming 1,500 arrivals per month).

### PROS & CONS:

#### PRO

- Avoids (i) diversion of Coast Guard from current missions (e.g., search and rescue, and drug enforcement), and (ii) operational difficulty and hazards of interdicting boats at sea, including risk that force would have to be employed.
- Avoids possible adverse reaction from U.S. black community and Black Caribbean and African nations.
- Avoids international precedent for turning away "boat people" seeking asylum in, e.g., Southeast Asia.
- Avoids cost of detention facilities, and the disruption of the community where such facilities would be placed.
- Avoids the risk that detention camps would overflow because of procedural delays in conducting exclusion hearings.
- Avoids the disagreeable public appearance of running "concentration camps" which, at the present time, would be filled largely by blacks.

CON

- Failure to interdict or detain significantly lowers deterrent to illegal immigration.
- Release of aliens into the community with work authorization further encourages illegal immigration.
- Continuing release into the community continues and aggravates the adverse impact on south Florida.
- Permits aliens to abscond prior to deportation.
- Treats Haitians more favorably than other illegal aliens, e.g., Mexicans, who are detained upon apprehension.

Political

Continuing arrivals of Haitians without rapid deportation is viewed by Florida as a non-enforcement policy that causes it serious adverse impact. Governor Graham appears prepared to capitalize on the circumstances. Senator Hawkins is placed in a difficult situation. Pro-enforcement Members of Congress also disfavor a "do-nothing" approach, but might be satisfied if at least exclusion hearings were conducted swiftly and aliens not able to claim asylum deported.

OPTION II [Limited Interdiction at Sea]

Interdiction at Sea: Seek legislation to authorize the President to direct the Coast Guard to assist foreign governments that request such assistance to interdict their flag vessels on the high seas suspected of attempting to violate U.S. law. Haitian interdiction would occur as close to Haiti as possible. U.S. would negotiate agreement providing for cooperation in enforcing U.S. and Haitian laws.

INS officials would board interdicted vessel to ascertain whether the vessel was bound for the U.S. and if any passengers were not entitled to admission to U.S. Vessels carrying such passengers would be escorted to Haiti. Persons determined to be eligible for asylum in the U.S. or otherwise entitled to admission would be taken aboard the Coast Guard vessel.

A strategy of selective interdiction would be devised requiring modest resources (\$10 M per year) and no significant diversion from drug enforcement and search and rescue operations. While such a strategy would initially intercept a small portion of illegal Haitian aliens, the deterrent effect could be substantial. This strategy could be modified or expanded depending on initial experiences.

Detention: Same as Option I.

Budgetary Impact: Estimated cost of limited interdiction (\$10 M per year) could be offset by reduced welfare and resettlement costs.

PROS & CONS: PRO

- May deter continuing flow of aliens from Haiti and other Caribbean nations.
- Would directly decrease inflow of illegal aliens into south Florida by estimated at least 1800 per year.

- Would demonstrate, in a visible way, a commitment to enforcing the immigration laws without risking the cons incidental to deteention in Option III.
- Would help diffuse current political situation in South Florida.

CON

- Interdiction could be operationally difficult and hazardous. It might result in an ugly incident with Haitians jumping overboard or otherwise being injured or killed with the Coast Guard getting the blame.
- Black Caribbean and African nations might react adversely to the interdiction of Haitian boats.
- Could set an international precedent for turning away "boat people" seeking asylum in, e.g., Southeast Asia.
- Even with authorizing legislation, U.S. Coast Guard might be sued for abridging rights of potential asylees.

Political  
Consider-  
ations:

Interdiction is a visible act of enforcement that would help ease the current political situation in Florida, and would be favored by pro-enforcement Members of Congress and the public. Liberals, blacks, and church and human rights groups would strongly oppose.

### OPTION III

Interdiction at Sea: Same as Option II.

Detention: Detain indefinitely undocumented aliens upon arrival pending exclusion or granting of asylum. This would bring Haitian policy in line with that directed toward others who enter the U.S. illegally (e.g., Mexicans, El Salvadoreans, and other Central Americans). Detention of all undocumented aliens entering South Florida would require facilities with a capacity of 5000-10,000 (assuming (1) average detention is 6 months to one year, and (2) average apprehensions are 1,500 per month). Capacity requirements and costs would be reduced if detention and interdiction deterred further flows.

Budgetary Impact: Estimated cost of implementing limited interdiction as in Option II \$10 M per year. Estimated cost of detention facility \$30 to 60 million annually and \$10 to 15 million in start-up costs. Estimated savings of welfare and resettlement expenditures for aliens otherwise released \$45 M per year

PROS & CONS: PRO

- Universal detention could deter continuing illegal immigration into South Florida, avoiding local community adverse impacts.
- Would demonstrate major commitment to enforcement of the immigration laws.
- Would prevent aliens from disappearing prior to exclusion hearings.
- Would treat visaless Haitians like other visaless aliens, e.g., Mexicans.

CON

- Policy of detention presents risk that camps would overflow because of procedural delays in exclusion hearings.
- The community in which the detention facility is located could create a greater political problem (e.g., as at Fort Chaffee, Arkansas) than dispersion of the aliens into the community. (The only camps currently thought to be available for this purpose are: Ellington Air Force Base (outside of Houston); Hamilton Air Force Base (outside of San Francisco); Roanoke Rapids Air Force Base (in North Carolina); Craig Air Force Base (outside of Selma, Alabama); and a DOL facility (former school) in Indiana.
- Threat at detention could cause arriving illegal aliens to go underground; it is estimated we currently spot only 10% of the arriving boats; the underground community could pose an even greater burden on the local community since Federal reimbursement of welfare and medical expense and voluntary agency services would not automatically be available.
- Appearance of "concentration camps" which, at the present time, would be filled largely by blacks, may be publicly unacceptable.
- Has the disadvantages associated with interdiction, as in Option II.

Political  
Consider-  
ations:

A policy combining interdiction and detention would be viewed quite positively by those who favor strict enforcement, including the Florida community and some Members of Congress. The location of large detention facilities, however, would be politically sensitive. Liberals, minorities, and church groups would oppose these measures as draconian and, they may say, racist.

#### IV. Contingency Planning for Mass Arrivals of Refugees or Illegal Aliens.

##### A. Introduction

The most significant lesson to be learned from the arrival last year of more than 125,000 Cubans and 15,000 Haitians is the need to plan for such a contingency. The last Administration had neither a consistent policy nor an orderly way of implementing such decisions as were made.

Because a future influx could come not only from Cuba, but also from a number of other countries in the Caribbean basin, and from a variety of causes, a single, specific plan would be of little value. Rather, it is necessary to plan for all relevant contingencies and have a decision-making process in place when an "immigration crisis" occurs. Three principal responses are possible when a crisis occurs, distinguished by the intended disposition of those who arrive: (1) interdiction of those traveling to the United States, and detention and repatriation of those who arrive; (2) offering the aliens temporary haven until conditions in their homeland permit their return; or (3) resettlement of the arrivals into American society, as was done for the Cubans.

A contingency plan must therefore address the following principal issues: (1) how does the Administration determine the nature of its response to a given situation, (2) what agency should have the lead responsibility to direct the government's response, (3) what are the other agencies' programmatic responsibilities, (4) what authority exists for conducting and funding agency operations in an immigration emergency, and (5) what facilities are available for the custody of arriving aliens.

Issues (1) and (2) are presented for decision in the Management section of this Report. Issue (3), the determination of the programmatic responsibilities of the relevant agencies, is being addressed by a working group of the Task Force, and will be reviewed by the lead agency designated by the President, and by the Executive Office. Several elements of a policy response to mass inflows of illegal aliens, however, are presented for decision in the section of this Report on Cuban/Haitian immigration (e.g., legislative authority to interdict, detention facilities, and legislation to prohibit bringing aliens to U.S. shores.)

The two remaining issues are addressed in this section: first, the legal and budgetary authority for emergency operations and, second, the choice of facilities for custody of a mass inflow of aliens.

C. Facilities.

Facilities are needed to hold mass arrivals of refugees and other aliens. Processing and legal proceedings are conducted more efficiently at a centralized location. State and local governments may be more willing to accept a detention facility than release into the community. The prospect of indefinite detention may also be an added deterrent to future flows.

No camps were immediately available to hold large numbers of aliens prior to the Vietnamese influx in 1975 or last spring's mass influx from Cuba. The speed with which camps had to be made available caused confusion and significant operational and administrative burdens. Moreover, because of the speed with which sites had to be selected and prepared, there was little or no coordination with State and local governments in making the camp selections. The lack of prior consultation and coordination strained subsequent relations with local officials. Ultimately, three of the four camps that were used to detain the Mariel Cubans were the same camps that were used during the Indochinese resettlement effort in 1975, which heightened local opposition to the camps.

Most sites that offer suitable size, facilities and remote location are excess military facilities. The Department of Justice is conducting an inventory of potential sites. A summary of the most suitable facilities is attached.

The cost of setting up a camp facility typically has averaged \$10 to \$20 million. The per capita daily operating cost would range from \$10/day to \$50/day, depending on the degree of security.

RECOMMENDATION

The Task Force recommends that the Administration identify suitable facilities to hold 10,000 to 20,000 people; that plans be made for activation of the facilities on short notice, but that the facilities remain inactive prior to an emergency.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_



B. Legal and Budgetary Authority.

Clear legislative authority is needed to authorize federal agencies to respond quickly and with coordination in the event of another immigration emergency. Budgetary authority to fund emergency operations also is required.

The prior Administration was hindered during the Mariel boatlift by the absence of these authorities. In the aftermath of Mariel, Title V of the Refugee Education Assistance Act of 1980 (Fascell-Stone Amendment) was enacted, giving the President authority in the event of an inflow of Cubans or Haitians to direct agencies to take appropriate responsive actions. This authority should be extended beyond Cuban and Haitian inflows, to any immigration emergency, and should provide

- (1) that the President or his delegate is authorized to direct federal agencies to take necessary actions, and that agencies are authorized to take those actions, including the establishment of holding centers;
- (2) that state and local governments may be reimbursed for their expenditures resulting from the emergency; and
- (3) that there be established an emergency immigration and refugee fund of \$100-200 million and that, in an emergency, agencies also be authorized to reprogram existing immigration and refugee funds.

RECOMMENDATION, (All agencies)

The Task Force recommends that the Administration seek legislative and budgetary authority to permit a comprehensive federal response in the event of an immigration or refugee emergency.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

### III. Benefits and Services for Refugees and Asylees.

#### A. Introduction.

This section addresses the financial assistance and social service benefits available to refugees, asylees, and applications for asylum. Many of these people are not immediately self-supporting; they require governmental assistance during a period of adjustment. Since these people are admitted as a matter of national policy, the federal government has assumed a special responsibility to them. Current eligibility of aliens for federal benefits is set out at p. \_\_\_\_.

#### B. The Current Program.

Federal assistance to refugees primarily involves two major programs:

1. Settlement Grants. The refugee program relies heavily on private voluntary resettlement agencies, such as the U.S. Catholic Conference. These agencies, working with the State Department, identify the refugees to be resettled in the U.S., locate sponsors within the receiving communities, arrange transportation, and assist in the refugees' initial resettlement. They do this for on the order of a \$500 per capita grant although resettlement agencies often expend substantially more than that in resettling refugees. We should, for this reason, continue their federal support and encourage their increased involvement.

2. Reimbursement of States. Once situated, refugees may require further assistance. The Refugee Act of 1980 provides full federal reimbursement of cash and medical assistance to refugees and asylees for 36 months after entering the U.S. Refugee assistance is more generous than for Americans; it, for example, provides welfare assistance to two-parent families, singles and childless couples. Other programs (not limited in time by the 1980 Act) include English language instruction, employment services, and limited funding of school districts with large numbers of refugee children. Asylum applicants are eligible only for social services, e.g., counseling, information, and referral services.

#### C. Program Weaknesses.

Many States and localities claim that the 36-month period for 100% reimbursement for cash and medical benefits is too short. California and other states with relatively large refugee popula-

tions argue that the burden is being unequally distributed among the States; that wherever initial resettlement occurs, many migrate on to Sunbelt states, particularly California. More disturbing still is the growing welfare dependency among refugees. The portion of the Indochinese refugee population receiving cash assistance has risen from 12% in 1975 to 45% in 1980.

D. Task Force Recommendations.

In view of these circumstances, (many of which were noted by the Select Commission, we have identified possible improvements, including (1) tightening cash assistance eligibility rules and separating eligibility for medical assistance from cash assistance; (2) "impact aid" for certain localities; (3) a block grant approach to federal funding; and (4) various improvements in refugee placement and coordination among voluntary agencies and state and local governments.

Only the first improvement requires Presidential decision at this time.

1. Planned Benefit Changes for FY 1982.

The Select Commission recommended extending the 36-month limit on 100% reimbursement of cash and medical assistance. After Task Force consideration, the Administration opposed an extension proposed in a bill introduced by Don Lungren of California. Most refugees can and should become self-supporting within three years; other ways should be considered to assist those who are chronically dependent.

RECOMMENDATION. (All Agencies)

For FY 1982, the present categorical programs should be continued, but HHS will reduce the level of cash assistance payments to many refugees who do not qualify for AFDC or other welfare programs. HHS will also move toward separation of medical and cash assistance so that genuine medical need can be met without putting a person on welfare. HHS and the Office of the Coordinator will explore instituting a separate health care program for refugees, possibly on a pilot basis, after FY 1982.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

ELIGIBILITY OF ALIENS FOR MAJOR HHS (AND DA) ASSISTANCE PROGRAMS

<u>Immigration Status</u>	<u>Refugee Act</u>	<u>Fascell/Stone</u>	<u>AFDC</u>	<u>Medicaid</u>	<u>SSI</u>	<u>Title XX Social Services</u>	<u>(DA) Food Stamps</u>
<b>Refugees and asylees:</b>							
Indochinese	Yes	No	Yes	Yes	Yes	Yes	Yes
Soviet & others	Yes	No	Yes	Yes	Yes	Yes	Yes
<b>Cuban/Haitian Entrants:</b>							
Pre-10/11/80	No	Yes	Yes*	Yes*	Yes*	Yes	Yes**
Post-10/10/80	No	Yes	No	No	No	Yes	Yes**
Resident aliens	No	No	Yes	Yes	Yes	Yes	Yes
Asylum applicants	No	No	No	No	No	Yes	No
Illegal aliens	No	No	No	No	No	Yes	No

Refugee: Admitted as a refugee under section 207 of Immigration and Nationality Act (INA), admitted as a conditional entrant under section 203(a)(7) of INA, paroled indefinitely as a refugee under section 212(d)(5) of INA.

Asylee: Granted asylum under section 208 of INA, paroled indefinitely as an asylee under section 212(d)(5) of INA.

Cuban/Haitian Entrant: (1) Pre-10/11/80--paroled, with form stamped "Cuban/Haitian Entrant (Status Pending)." (2) Post-10/10/80--most in exclusion proceedings, some with time-limited parole.

Resident alien: An immigrant lawfully admitted for permanent residence in this country other than a refugee or asylee who subsequently adjusts to resident alien status.

Asylum applicant: Has applied for but not been granted asylum. As used here the term is intended to refer to persons who have applied for asylum but do not belong to any of the above groups.

Illegal alien: Alien lacking valid INS documentation indicating permanent or temporary presence in this country under color of law.

\* "Yes" reflects current status of eligibility. However, parole status is under review and should the interpretation become that it is a time-limited parole the entrants will lose eligibility.

\*\*Some entrants were granted a status other than parole and are not eligible.